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**Attitudes towards Crime and Punishment in
Vermont: Public Opinion about an Experiment
with Restorative Justice
Grant # 98-IJ-CX-0028**

Prepared for

The National Institute of Justice

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I. Introduction

In 1994, the State of Vermont Department of Corrections (DOC) asked Doble Research Associates to conduct a benchmark study of public opinion about crime and corrections in that state. Doble Research is a nonpartisan, public interest research firm that specializes in exploring the public's thinking about complex policy issues before and after people learn more about them. The firm's clients are chiefly foundations, government agencies, and other public service organizations.

The 1994 study found:

- ▶ Low public confidence in virtually the entire criminal justice system;
- ▶ A huge majority, 75 percent, in favor of "totally reviewing and changing the way Vermont deals with convicted criminals";
- ▶ An even larger majority, an astonishing 92 percent, in favor of a concept that the DOC had on the drawing board: establishing a statewide network of community-based reparative boards;
- ▶ Broad public willingness to use nonincarcerative sanctions with an array of nonviolent offenders.

The DOC, which saw the people of Vermont as its customers who, ultimately, must be satisfied by the criminal justice system, treated the results of that study as market research that fed into an evolving series of changes in the criminal justice system that DOC was implementing. (See IV. Background: The Development of Restorative Justice in Vermont.)

The most prominent of these changes was the development of a statewide system of community-based reparative boards. DOC reasoned that low levels of public confidence in "the system" would be best addressed if, instead of bureaucrats, the public itself, as represented by the average citizens who volunteer to sit on reparative boards, had decision-making authority about punishment and supervision issues that directly affect the offender, the victim, and the safety of the community.

By May 1999, a total of 44 reparative boards composed of over 300 citizen volunteers had been established throughout Vermont. To date, these boards have handled more than 3,000 cases. Upon conviction and referral by a judge, offenders must meet with their local reparative board to review their offense and learn how it harmed the community; they must then accept the terms of what is usually a multi-faceted, community-based sanction that may include some, or all, of the following: restitution, contributing up to 50 hours of community service, meeting with the victim, writing a letter of apology, doing research to learn how the offense damaged the community, being screened for alcohol or drug problems, being assessed for needs in regards to life skills, anger management classes, or getting help finding and keeping employment.

The reparative boards were founded on the principles of restorative justice, a philosophy that gives highest priority to restoring the victim of the offense, to making the victim whole, and to repairing the damage done to the community. Victims are invited to come before a reparative board to meet with the offender and describe why the crime was hurtful. For example, in one case, a woman whose mailbox was vandalized told the offender that the mailbox was the last thing her late husband had built for her. And so the offender came to see that a relatively minor offense caused more hurt than he might ever have imagined. By working with the boards, victims also have a say in deciding on a sanction that will be restorative and fair.

In this study for the National Institute of Justice, Doble Research and Senior Soros Justice Fellow Judith Greene updated the 1994 benchmark to see if there have been any changes in Vermonters' thinking since the introduction of the reparative boards. Using field visits, 4 focus groups, 25 in-depth interviews with reparative board members, crime victims and offenders, and a 25-minute long telephone survey of 601 randomly selected Vermonters, we have gauged people's assessments of Vermont's reparative boards based on their current understanding and after they learn more about them. We include an analysis of the thinking of 15 Vermont judges, prosecutors, and defense attorneys about reparative boards, restorative justice, and the role of the public.

In Section XVIII. Appendix 2, we provide an analysis of people's understanding of the language of the criminal justice system compiled from Doble Research studies of public opinion in Vermont, New Hampshire, Iowa, South Carolina, North Carolina, Oklahoma, and Oregon, and Public Agenda studies in Alabama, Delaware, and Pennsylvania.

II. Executive Summary of the Findings

In this survey, conducted in the winter of 1999, we asked Vermonters a series of trend questions to update our 1994 findings. We also asked questions about reparative boards and two other programs: the diversion program, in which selected first offenders who fulfill the terms of a community-based sanction can have their record expunged, and the furlough program, in which offenders making the transition from prison to the community are supervised for an interim period. Before beginning the project, Vermont's Commissioner of Corrections, John Gorczyk asked us to "push the envelope," and so we also explored whether Vermonters would like to see the responsibilities of the reparative boards expanded in terms of community notification and the kinds of cases they handle. The main findings are as follows:

1. We found three serious misperceptions, three areas where Vermonters beliefs about the criminal justice system do not align with what the system is doing. Together, these misperceptions fuel the alienation, disaffection, and cynicism that so many people feel towards government and its institutions, a mindset that commonly called "the disconnect."

- a) Misperception #1: Vermonters overestimate the crime rate.

Despite the well publicized fact that crime has declined, most Vermonters believe that crime is either as common as it was five years ago or that it is on the increase. Upwards of 80 percent say crime is either rising or the same as it was 5 years ago, while fewer than 1 in 10 say crime is decreasing. And so, despite the statistical reality, Vermonters do not feel safer today than they did five years ago.

Interestingly, most of the 15 judges, state's attorneys, and public defenders also said crime is, in their experience, as prevalent as it was five years ago. When asked to reconcile their views with the statistics, some pointed to Vermont's increased population and the fact that there has been no drop off in the absolute number of cases, even in the face of a decline in the crime *rate*.

- b) Misperception #2: Many Vermonters believe that offenders convicted of the most heinous crimes, including rape at knifepoint, are often not incarcerated.

Nearly two-thirds, 62 percent said that anyone convicted of a violent crime using a gun or knife or physical force should always or almost always be incarcerated, but only 15 percent said this is what Vermont does. Moreover, 95 percent said a man convicted of rape at knifepoint should always or almost always be incarcerated, but only 28 percent said this is what the state does. (The 15 judges, state's attorneys and prosecutors said such a rapist would definitely be incarcerated, probably for at least 15 years.)

- c) Misperception #3: Vermonters believe that “many violent offenders” are released early, merely to alleviate prison overcrowding.

Nearly two-thirds, 63 percent, said prison overcrowding is so severe that “many” offenders who committed a crime using a gun or a knife are released before serving their complete sentence. Only 14 percent, about 1 in 7, strongly disagreed.

- d) Taken together, these three misperceptions fuel what is commonly called “the disconnect”— the widespread alienation and disaffection so many Americans feel about governmental institutions, including the public schools, the health care system (especially HMOs), the election process, the role of campaign contributions and the influence of special interests, etc. Indeed, the crisis in public confidence facing the criminal justice system may be more severe than that facing any governmental sector. It is public opinion that has driven state after state to enact three-strikes laws, mandatory minimum sentencing, and Rockefeller-type drug laws and other measures that limit judicial discretion and, in the view of many experts, lead to sanctions that are, in many cases, overly severe and counterproductive.
2. Vermonters’ assessment of the job being done by the criminal justice system remains mixed, with 46 percent saying the system does a good job and 51 percent saying its performance is no better than fair.
3. However, Vermonters have more confidence in the system than they did in 1994. In three cases, the public’s assessment improved by a statistically significant margin of seven percentage points:

The percentage saying the state’s judges are doing a good job increased from 46 percent in 1994 to 53 percent in 1999.

The percentage saying the jails and prisons are doing a good job increased from 37 to 44 percent in 1999.

The percentage saying probation and parole are doing a good job increased from 30 to 37 percent in 1999. (The reason why Vermonters give probation and parole a comparatively low job rating would seem to involve staffing, not competence. By an overwhelming margin of 70 to 11 percent, people said that probation and parole officers have “too many cases to handle effectively.”)

4. When asked to evaluate other components of the criminal justice system, Vermonters gave high marks to the police. (Indeed, in every study we've done, the police are well regarded.) But Vermonters gave even higher marks to juries in the state, a result suggesting that the public has great confidence in "the public" i.e., a diverse group of people with a chance to deliberate thoughtfully.

5. Vermonters are familiar with, and strongly endorse, the diversion program.

A solid majority, 61 percent, is familiar with the diversion program in which young, first offenders are sentenced to a community-based, alternative instead of to jail or prison. Of those who are familiar, a huge majority, 76 percent, has a positive view. When the idea is explained, an even larger number, 83 percent, favors the concept of sending first offenders to a community-based sanction instead of jail or prison.

6. Vermonters are much less familiar with reparative boards than with diversion, with only 11 percent saying they know about them. But of those who are familiar, an overwhelming majority, 77 percent, has a positive view.

7. When the concept was explained, Vermonters favored using rep boards by an astounding margin of 91 to 8 percent, an almost unheard of level of public support for any new program or policy initiative in criminal justice or any other issue area.

8. Vermonters want the reparative boards to use non-incarcerative, community-based sanctions with an array of nonviolent offenders and also with certain, carefully selected violent offenders and sex offenders.

9. Vermonters like the idea of the reparative boards for a host of reasons, including that they think sentences will be more appropriate and more rehabilitative. However, the fact that boards are less expensive than a stint behind bars is *not* seen as a sufficient reason for using rep boards. Rather, the fact that boards are less expensive is seen as only one of many good reasons for using them. In essence, Vermonters want to use rep boards, not to save money, but because they think the idea makes sense.

10. Vermonters reject a number of arguments against using rep boards, including that the boards will be too lenient or that board members will be conned by offenders who pretend to be sorry.

11. By very large margins, Vermonters favor the idea of expanding the responsibilities of the reparative boards to include deciding what to do with offenders on furlough, and to making community notification decisions about sex offenders and other offenders on furlough.

12. An overwhelming majority, 81 percent, endorses the *concept* of the furlough program. But Vermonters' opinions of the program as they believe it exists are quite negative.

A 61 percent majority is familiar with the furlough program. But in contrast to diversion and rep boards, the furlough program is not popular among those familiar with it, with only 36 percent holding a positive opinion and 52 percent voicing a negative view.

The most frequent complaints about the furlough program involve what people believe to be poor monitoring and the sense that offenders commit crimes while on furlough.

13. Vermonters have clear ideas about what they would like to change regarding the furlough program.

When asked what changes should be made, overwhelming majorities favor enough parole officers to keep close track of furloughees, random drug and alcohol tests, making offenders pay for their own housing, informing residents about furloughees with a violent history who are located in the community, and never putting offenders on furlough solely to save money or ease overcrowding.

14. In terms of key demographic differences:

Recent crime victims tend to have less favorable views about virtually the entire criminal justice system. Nevertheless, victims overwhelmingly favor using reparative boards; indeed, support among them is as strong as it is among nonvictims.

Women are more likely than men to say that crime, violent crime, and illegal drug use are on the rise. They are also more likely to say that violent offenders are released from prison early merely to reduce overcrowding. Women are also more in favor of community notification in virtually every regard. But women are, if anything, even stronger supporters of reparative boards than men, in that women are more in favor of expanding the rep boards' responsibilities.

As for key geographic differences, the issue of illegal drug use is especially salient in Southern Vermont (Windham and Bennington Counties). Residents of West Central Vermont (Rutland and Addison Counties) were somewhat *less* likely to say crime and drug abuse are on the rise. People in the Northeast (Caledonia, Essex, and Orleans Counties) are somewhat more critical of the criminal justice system as a whole. And residents of Greater Burlington (Franklin, Lamoille, Chittenden, Washington, and Grand Isle Counties) are more likely to be crime victims, and more critical of probation and parole, and of the jails and prisons. Importantly, support for using reparative boards is strong in every part of the state.

15. Though not directly familiar with the boards or board members, the five judges and five public defenders tended to have generally positive impressions about the concept and the performance of the boards to date. But several states' attorneys complained that, unlike the diversion boards, rep boards have "no hammer" in that failure to complete a sentence does not automatically lead to incarceration. Several also said they wished the boards could require more than 50 hours of community service.
16. In marked contrast to the public's views, the 15 judges, state's attorneys, and prosecutors did *not* want to expand the authority of the rep boards. Indeed, a few, especially several prosecutors, felt that the boards should only handle the narrowest range of cases. However, since very few of the 15 had first-hand experience with the boards, lack of familiarity should be added to philosophical differences as possible explanations for the experts' reluctance to give the boards more authority.
17. We include in an Appendix a composite, qualitative analysis derived from numerous studies conducted by Doble Research and Public Agenda that details how people understand the language of the criminal justice system.

III. Putting the Results in Context

1. Literature Review¹

Before reporting the results of the Vermont study, it is useful to place the findings in a larger context by briefly reviewing recent research about public attitudes toward crime and criminal justice, and by examining how seemingly inconsistent attitudes – some negative and others quite positive – can exist simultaneously.

The conventional wisdom about public attitudes toward sentencing and correctional policies and practices holds that the public is in a punitive frame of mind – believing that criminal sanctions are too lenient, and having no confidence that the courts and corrections systems are responding effectively to their deep concerns about crime. But while substantial evidence from public opinion polls supports this conventional wisdom, public opinion about these issues is a far more complex phenomenon than is conveyed by reports of typical poll results.

Generalizations found in the media about public attitudes towards the courts and corrections are often overly simplistic, taking at face value responses to opinion poll questions such as, “Are judges too harsh in sentencing offenders? Too lenient? About right?” When approached at this superficial level, most of those polled will respond that judges are not tough enough. Responses to such queries are fairly uniform across national boundaries. Seventy-eight percent believe that sentences are not harsh enough in the U.S. (Maguire and Pastore 1997). Four of five respondents to the British Crime Survey said sentences were too lenient (Hough and Roberts 1998).

Yet when more sophisticated research methods are used, this overwhelmingly negative view quickly modulates to specific judgments that reveal far less severe attitudes about how most individual offenders should be sanctioned for their crimes. For example, if asked about specific types of offenses or offenders, (e.g., violent vs. non-violent; chronic recidivists vs. offenders with little or no prior record), poll responses reveal that public attitudes are more differentiated and complex, reflecting a capacity for making fine distinctions between the serious violent offenders who comprise a small portion of the offender population, and the non-violent, drug-related, or relatively petty offenders who make up the bulk of those sentenced in the courts. While the public *does* want substantial prison terms imposed for the most serious violent felons, there is, for the latter group, a wealth of recent evidence that the public is willing to embrace a variety of intermediate sanctions and treatment interventions, often *preferring* them to incarceration.

There is ample evidence that the public’s conviction that criminal justice responses are not tough enough is often based on fundamental misperceptions about the workings of the criminal justice system. Comparison of public beliefs with actual practices reveals that inaccurate perceptions about sentencing and corrections are fueling the public’s dissatisfaction with the criminal justice system.

¹ See Section XVII. Appendix 1: Literature Review References, p. 106

Underlying such misperceptions about how the criminal justice system handles offenders are mistaken notions about the nature and volume of crime. Surveys have consistently shown that the public believes that crime rates are always rising, and that a high proportion of crimes involves violence. When university students were asked to estimate the number of homicides in the US, almost 50 percent estimated that 250,000 or more murders were committed each year. Fifteen percent estimated that one million or more murders occurred annually (Vandiver and Giacomassi 1997).

The public's estimates of recidivism among offenders are also excessive, with 60 percent over-estimating the recidivism rates for property offenders and 79 percent over-estimating recidivism rates for violent offenders (Doob and Roberts 1983). Comparing public perceptions with court records, researchers have found that the public also over-estimates the proportion of convicted offenders with prior criminal records (Stalans and Diamond 1990). These misperceptions undoubtedly heighten public support for "three-strikes" laws. Survey results show this support is indeed high when the public is queried in broad, general terms. While almost nine out of ten respondents favored the concept of life imprisonment for third-time felons, their support for the idea fell to two out of ten when presented with the specifics of cases that would actually be covered under "three strikes" (Applegate et. al. 1996).

When asked about sentencing practices the public *under*-estimates the rate of incarceration as well as the average length of the sentences imposed. The British Crime Survey revealed that the rate of imprisonment was underestimated for muggings by 82 percent of respondents; 70 percent underestimated the imprisonment rate for burglary; 83 percent for rape (Hough and Roberts 1998). A survey taken in Ohio after a time period when actual sentences had become more severe showed that Ohioans believed that sentences had become more lenient (Knowles 1987). Findings such as these present a paradox for criminal justice policymakers who propose reforms to a criminal justice system thought to be out of sync with the public's desire to "get tough" on offenders.

Many studies have compared sentencing choices favored by the public in surveys with those of judges and found that the public's sentencing preferences cannot be characterized as harsher than those prevailing in the courts (Thompson and Ragona 1987; Diamond and Stalans 1989; Mande and English 1989; Hough and Roberts 1998). One study compared sentences chosen by the public for specific offenses with the sentences prescribed for these offenses by the federal sentencing guidelines. Overall, the public's choices were quite close to the guideline sentences. And in some types of cases public preferences were strikingly more lenient. Where the federal guidelines call for harsh sentences for trafficking in crack cocaine (a median sentence of 22 years) the public's median was 10 years – the same median duration they chose for trafficking cocaine in powder form. The five-year median sentence chosen by the public for robbery involving firing a weapon was less than half the guidelines' median of 11.3 years (Rossi and Berk 1995).

A more recent study conducted by the US Sentencing Commission involved asking respondents to choose sentences for a series of crime “vignettes” and then comparing their choices with the corresponding sentencing guidelines ranges. While a large proportion (68.0 percent) chose more punishment than is prescribed by the guidelines for trafficking in marijuana, again, for crack cocaine the great majority (69.2 percent) chose a sentence below the sentencing range permitted by the guidelines. For bank robbery more than half preferred sentences below the guideline range, with 83.1 percent choosing a more lenient sentence where a gun was fired, but no injury resulted (Maxfield et. al. 1997).

Attitudes toward early parole release from prison have worsened in recent years, particularly when it is perceived that prisoners are paroled to relieve overcrowding in prisons. While a large majority favors responding to overcrowding by sentencing non-violent prisoners to local community program alternatives (89.2 percent), or even allowing prisoners to earn early release through work and education (63.2 percent), only 20.3 percent favored giving parole boards more authority to release offenders early (Maguire and Pastore 1997).

Yet public antipathy to parole release is grounded at least in part on inaccurate perceptions of parole release rates and parole performance outcomes. The percentage of prisoners granted parole is overestimated by the public, as is the proportion of parolees who reoffend. An Ohio survey showed that while the parole board had become tougher in parole decisions, Ohioans believed that parole had become easier to obtain (Knowles 1987). Over two-third of respondents in an Australian study under-estimated the proportion of parolees who succeed after parole release (Indermaur 1987). Yet in a study where respondents were given “scenarios” with specifics about prisoners and their offenses, they showed substantial support for granting parole release despite their overall dissatisfaction with the parole system (Cumberland and Zamble 1992).

This last point deserves emphasis. Despite widespread misperceptions and deep distrust about the workings of the courts and correctional systems, many studies have demonstrated that the public’s desire for more punishment of offenders is tempered by their support for prevention, for treatment programs, and for alternatives to incarceration for specific types of offenders.

In Tennessee a study gauged public support for crime prevention strategies that target “at-risk” children (preschool programs, parenting programs, school-based programs and rehabilitation programs). Three quarters of the respondents chose these types of early intervention over building more prisons to incapacitate offenders (Cullen et. al. 1998). In New Hampshire, 77 percent said the state should work with second graders whose teachers think are likely to get into trouble when they grow up, even if this meant increased state spending. And 86 percent favored more drug and alcohol prevention efforts with high school students, even if it means increased state spending (Doble Research 1998).

An Ohio survey measuring changes in attitudes toward various aspects of correctional treatment found that while support for rehabilitation as the main goal of imprisonment had diminished from 1986 to 1995, public optimism about the effectiveness of treatment for non-violent offenders and juveniles remained high (Sundt et. al. 1998). Responses to a second survey in Ohio indicated that policymakers consistently underestimate public support for rehabilitation, and that support for a treatment-oriented approach is broad and consistent across demographic groups (Applegate et. al. 1997).

A number of studies have revealed widespread acceptance of community-based sanctions and alternatives to incarceration. Restorative sanctions such as restitution and community service receive strong support from the public for use in sanctioning a wide range of offenses, even as an alternative to incarceration in some cases. In a study cited by Doob and Roberts (1988) people were asked to choose between prison and other sanctions (a fine, probation, or a fine *plus* probation) for a first-time burglar. One-third chose prison. But when a choice of “a certain number of hours of work beneficial to the community or the victim” was added, almost half of those who had chosen prison shifted their view to favor the restorative option.

To a remarkable degree, apparent punitiveness seems to evaporate when the public is provided with a *full* array of sentencing options. Given only prison or probation as options and asked to choose the sentence in 23 case scenarios ranging from crimes involving violence to petty property and drug offenses, respondents in Alabama sentenced 18 of the hypothetical offenders to prison. But after given information about a range of specific sentencing options that included intensive probation, restitution, community service, house arrest and boot camp, the respondents were asked to reconsider their sanction choices. In this new context, prison was deemed appropriate in only four of the 23 cases (Doble and Klein 1989).

The 1996 National Opinion Survey on Crime and Justice revealed familiar doubts about traditional probation and community corrections. But respondents were more positive about specific alternatives to incarceration, including restitution, boot camps, community service, electronic monitoring and house arrest (Flanagan 1996). Research designed to gauge both preference for and tolerance of community-based sanctions for serious offenses (burglary and robbery) found that where these alternatives could be shown to be more constraining, punitive and/or rehabilitative than “regular probation,” almost half of respondents preferred them to prison or shock incarceration – and two-thirds or more were willing to tolerate such an alternative sentence (Turner et. al. 1997).

2. The Disconnect

The profound alienation and disaffection millions of Americans feel toward their political system and the government, what is commonly called “the disconnect,” has been widely documented and discussed for nearly two decades. In the 1980s, President Reagan’s popularity was based largely on his efforts “to get the government off the backs of the American people.” In 1991, the Kettering Foundation, a nonpartisan research organization, published “Views from Main Street,” a report describing how profoundly alienated people feel from government and electoral politics.

Over the years, the disconnect has manifested itself again and again. Electoral upheavals, as in 1994, are one example. Others involves ballot referenda in which people in state after state have voted to impose term limits, slash taxes, or pass radical measures to reverse long-standing governmental policies. The emergence of third party candidates, especially Ross Perot and more recently Jesse Ventura, is part of this phenomenon. And, despite the nation’s economic prosperity, recent studies by Doble Research² and others³ show the disconnect is as real today as it was a decade ago, that just beneath the surface lies a submerged public opinion full of anger, resentment, cynicism, and mistrust of government and the political system.

The disconnect facing the criminal justice system is, perhaps, deeper and more tempestuous than that facing any other governmental sector. The uproar over the furlough given to Willie Horton was one of the issues that cost Michael Dukakis the presidency. Over the past several years, public pressure in state after state has led to the passage of mandatory minimum sentencing, three-strikes laws, and Rockefeller-type drug laws. While judges and other experts may be quick to say that such measures have unintended consequences and can lead to injustice, their hands are tied. Public sentiment is so hardened that elected officials know they can repeal or modify such measures only at their own peril.

Below, we isolate three sources of the disconnect, three misperceptions Vermonters hold about the criminal justice system that help explain their alienation and discontent. We then argue that involving the public in the criminal justice system through reparative boards can give the public a sense of ownership of the process, the outcomes, and, potentially, repair the disconnect by reattaching the public to the criminal justice system.

See “Governing America: Our Choices, Our Challenge,” an analysis of people’s thinking in the 1997-1998 National Issues Forums, which found that “despite our nation’s peace and prosperity, participants felt alienated from, and disaffected toward, government.” National Issues Forums Institute, Dayton, Ohio, 1998.

³ For example, 75 percent of the American public said they did not trust politicians when they talk about social and moral values. NBC News/*Wall Street Journal* survey, June 1999.

Misperception #1: Vermonters overestimate the crime rate.⁴ While statistics show that crime has been trending down across the country, including in Vermont, people there do not believe this is so. These results are consistent with national surveys showing that, despite a sharp drop in the nation's crime rate in virtually every category, crime now rivals education as the public's top priority. Whatever the reality, Vermonters do not *feel* safer than they did five years ago; they do not *feel* less at risk. And so, while experts may think that progress has been made in reducing crime and that, therefore, the system is doing well, the public does not share either sentiment.

It may be that public opinion is simply lagging behind events just as people will say inflation is a problem long after the rate has declined. Also, being a crime victim is so traumatic that people may overestimate its likelihood, just as many overestimate the danger of flying. A third factor is the role of the media, including the maxim: "If it bleeds, it leads," that violent stories are the lead stories on local TV news. Further compounding sentiments in Vermont was a series of stories in *The Burlington Free Press* about the danger posed by offenders released through the furlough program. (As we show below, while the furlough program is not popular, Vermonters solidly support the *concept* of a furlough program.)

Misperception #2: Many Vermonters believe that offenders convicted of the most heinous crimes, including rape at knifepoint, are often not incarcerated. Vermonters' sense of what happens to such criminals is also off the mark.⁵ In other states, we have found similar results – the belief that "the system" is much too lenient with the most dangerous offenders.

Misperception #3: Vermonters believe that "many violent offenders" are released early, merely to alleviate prison overcrowding. Here again, Vermonters are almost certainly way off base.⁶ Their perception is a misperception. But this belief, coupled with the two other views identified above, is part of a mindset that creates a difficult climate for policymaking.

⁴ FBI Uniform Crime Report data show that index crime rates have been decreasing in Vermont for two decades. Part 1 violent crimes (murder, rape, aggravated assault, and robbery) have dropped from 179 per 100,000 citizens in 1980 to 106 per 100,000 in 1998. Part 1 property crime rates have also declined since they reached a peak of approximately 5,000 per 100,000 in 1979, to approximately 3,000 per 100,000 in 1998.

⁵ Data available from the Vermont DOC do not allow for distinguishing between offenders who were convicted of FBI Part 1 violent crimes using a knife or gun from those who did not. Of those convicted of a violent crime, about three-quarters are sentenced to a term of incarceration. In our interviews with 15 judges, state's attorneys and public defenders, the consensus was that such an offender would definitely be sent to prison and would almost certainly serve a sentence of at least 15 years.

⁶ Data available from the Vermont DOC do not allow for distinguishing between offenders who were convicted of FBI Part 1 violent crimes using a knife or gun from those who did not – nor do they indicate the degree to which any offenders are released early due to overcrowding. The data do show, however, that early release of violent offenders is on the decline in Vermont and that violent offenders are serving longer terms of incarceration. In 1993 those sentenced for FBI Part 1 violent crimes served an average of 29 months, having been released after serving – on average – just 29% of the maximum term imposed by the court. By 1998, these offenders were serving an average of 76 months, released – on average – after serving 59% of the maximum term.

The implications of these findings are potentially explosive. Vermonters believe that crime is not decreasing, and that when it comes to the most dangerous offenders, the system regularly makes decisions that endanger public safety because it does not incarcerate, or, if it does, it releases violent offenders with little or no supervision before they have served their sentence. In effect, Vermonters believe that the system's default decisions threaten public safety.

These beliefs are a root cause of public discontent. They are precisely the kind of sentiments that have fueled support for mandatory minimum sentencing, three-strikes laws, and measures like the Rockefeller drug laws or Delaware's mandatory three-year sentence for offenders caught in possession of five grams of cocaine. Since only 28 percent believe that a man convicted of rape at knifepoint will always be incarcerated, it is easy to imagine why Vermonters might, for example, vote for a ballot initiative mandating incarceration for such a crime or support a candidate who advocates a mandatory prison term for rapists.

These results are part of a national pattern, and are not related to individual actors or policies in Vermont or any other state. The crisis in confidence facing the criminal justice system is a nationwide phenomenon. It is an outgrowth of, and a part of, our national culture. But the upshot is that many citizens do not give the criminal justice system, or those running it, the benefit of the doubt. And so, when meeting with citizens, officials should expect that many in the audience will be suspicious, cynical, or even hostile, instead of trusting, open-minded, and willing to listen and learn.

Together, then, these three misperceptions pinpoint the source of much of the underlying public discontent with the criminal justice system: *In the eyes of many Americans, the criminal justice system itself is a major cause of crime.*

3. The Paradox of Public Opinion

Public opinion, because of its negativity, also presents an opportunity. It is the public's sense that the system should be changed, even radically overhauled. And so the public is open to new ideas. Because people believe that the system is not working, they are willing to consider new approaches and initiatives.

Moreover, public discontent with the criminal justice system exists side-by-side with some exceptionally positive attitudes about programs and initiatives, including some that are national, and some that are unique to Vermont, such as the use of community-based reparative boards.

Attitudes toward Prison, Treatment, and Rehabilitation: Public opinion about many aspects of this issue may seem paradoxical. For example, while believing prison sentences are often too short, Vermonters in 1994 also said, by a margin of 51 to 33 percent that "our jails and prisons are schools for prisoners that turn inmates into hardened criminals." Instead of working at a job that keeps them

busy and helps them acquire job skills to make them more employable upon release, the vast majority of inmates, Vermonters said, “sit around all day, playing cards and watching TV” (64 to 16 percent). In other states, people said that a prison sentence, instead of rehabilitating or correcting offenders, makes them more dangerous when they come out than they were going in.⁷ How can these sentiments square with the belief that violent offenders should be incarcerated and that sentences are too short? Part of the answer is that the public has very different notions about what to do with violent and nonviolent offenders. Indeed, putting an offender behind bars is no panacea in the public mind. Moreover, the public’s sentiments about the negative effects of a prison sentence fuel support for using nonincarcerative, community-based, alternative sentences.

In addition to the desire to use alternative or community-based sentences, Vermonters consistently voiced strong support for increased drug treatment, for both offenders behind bars and in the community. Vermonters also strongly supported treatment for offenders with alcohol problems. They favored anger-management counseling and life-skills training when appropriate. And in a 1999 study for the Center for Sex Offender Management and the Vermont Treatment Program for Sexual Offenders, Vermonters called for far more treatment for sex offenders than the state provides. Moreover, people made it clear in the focus groups that they favor such treatment even though they think it will often be ineffective.

In sum, Vermonters strongly support rehabilitative efforts for three reasons: first, they believe in the principle of giving offenders a second chance; second, they believe that, in some cases, rehabilitation will be successful and the offender will be reintegrated back into the community and no longer pose a threat; third, they see no realistic alternative because they believe that absent rehabilitation and treatment, offenders will almost certainly commit additional crimes.

Diversion, Restorative Justice, and Reparative Boards: The report shows that the people of Vermont (61 percent) are quite familiar with the state’s diversion program in which selected first offenders are given a nonincarcerative sentence by a diversion board made up of citizen volunteers. Those who were familiar with diversion overwhelmingly supported it, with 76 percent expressing a positive view. When the idea was explained, an even larger percentage, 83 percent, endorsed the idea.

While Vermonters are much less familiar with reparative boards (11 percent), those who do know about them enthusiastically favor their use, with 77 percent expressing a positive view. When people learned more, 91 percent endorsed the idea, a nearly unheard of level of public support for any new program or policy initiative in criminal justice or any other issue area.

⁷ In a 1995 Doble Research survey for the Edna McConnell Clark Foundation and the North Carolina State-Centered Project, North Carolinians were asked: “When the majority of inmates get out of prison in North Carolina, are they LESS DANGEROUS because they’ve learned their lesson or been rehabilitated or MORE DANGEROUS because they’ve been hardened by their experience.” By a margin of 64 to 19 percent, they said most inmates are more dangerous when they get out than they were going in.

We wanted to learn what kinds of cases Vermonters thought should be referred to the rep boards. And so we gave respondents a series of cases and asked them to be the judge. People had two options: they could sentence each offender to prison or to a nonincarcerative sentence determined by a reparative board. In case after case, solid majorities wanted to send an array of nonviolent offenders, including many with multiple convictions, to the rep boards. Moreover, Vermonters felt that some, selected cases involving sex offenders (e.g., an exhibitionist) and even some violent offenders (a man convicted of domestic violence, first offense) should be referred to the boards.

In the focus groups, we heard deep and broad support for the concept of restorative justice; making sure the offender repairs the damage done to the victim and to the community was especially popular. Indeed, Vermonters feel that the needs of the victim should be an absolute top priority.

People also voiced strong support for using an array of nonincarcerative sanctions, especially restitution and community service, but also for making offenders write a letter of apology to the victim, victim-offender mediation, mandatory screening for drug or alcohol problems, and anger-management counseling and life-skills training when appropriate.

While wanting to make sure board members receive proper training, Vermonters expressed support for *expanding* the responsibilities of the rep boards to include deciding what to do about furloughed offenders in the community (79 percent), and making decisions about community notification for furloughes (81 percent) and sex offenders (80 percent).

Interestingly, nearly all of the 15 judges, prosecutors and public defenders did *not* want to expand the responsibilities of the boards. Indeed, some said that only the narrowest slice of cases should be referred to them. However, we should note that very few of the 15 had first-hand experience with either the boards or board members. Therefore, lack of familiarity and inexperience should be added to basic philosophical differences as possible explanations for the experts' reluctance to give the public, as represented by the citizen volunteers on the rep boards, broader authority.

In Sum: Public opinion may seem paradoxical because support for more rehabilitative efforts and for using nonincarcerative sentences with an array of offenders co-exists side by side with the sense that the system should “get tough.” And so, at any point in time, the public’s assessment of the criminal justice system will depend on which button is pushed: If the framework within which Vermonters think involves diversion or the rep boards or restorative justice, their assessments will be positive, perhaps overwhelmingly so. But if they think in terms of what they believe traditionally happens to the most dangerous, violent offenders, their sentiments will go in the other direction.

4. Reconnecting the Public to the Criminal Justice System

We asked the public to rate the various components of the criminal justice system. Most components, including judges, prosecutors, probation and parole, jails and prisons, and the criminal justice system as a whole, received mixed reviews. However, three components — the judges, probation and parole, and the jails and prisons — were all rated more highly than they were five years ago, each by a statistically significant margin of seven percentage points. While we cannot, in the context of this study, pinpoint the reason for this improvement, it is clear that something is changing public opinion in Vermont. The public's assessment is better now than it was in 1994.

Vermonters gave one component of the system, the police, an outstanding rating, with 75 percent saying the police are doing a good or excellent job. Indeed, in every study where that question has been asked, the police have been very well regarded.

But we asked one question that we have never asked before and in so doing identified a component of the system that was rated even better than the police. By a margin of 76 to 21 percent, Vermonters said juries in the state do a good job. Vermonters have a great deal of confidence in the people who serve on juries and who, in the context of their service, deliberate thoughtfully about the most serious issues, including issues of life and death. Vermonters trust Vermonters; in effect, *the public trusts the public*. Vermonters have great confidence that, most of the time, most juries sincerely try to reach, and succeed in reaching, a reasonable, fair, just verdict.

In light of this result, consider the public's views about the idea of citizen volunteers serving on reparative boards. Yes, boards are popular because the public believes in restoring the victim and the community and because it supports the use of community-based sanctions for an array of nonviolent offenders, regardless of the administrative agency. But turning such responsibility over to members of the community is, in the public mind, a doubly good reason for supporting the idea.

The public is confident that with training and in a deliberative environment, a representative group of citizen volunteers will consistently make sound decisions about the role of the victim, what restitution should consist of, what an appropriate punishment is, and how much risk the community should take. In effect, the use of reparative boards takes such decision-making authority away from faceless bureaucrats and gives it to the community. And the people of Vermont, the study shows, think this is a fine idea. If something goes amiss, community members can turn to their neighbors, their fellow citizens, for an explanation. Indeed, as noted, Vermonters have so much confidence in the public that they want to expand the boards' responsibilities.

And now we come full circle. There is no substitute for accurately informing the public and clearing up serious misperceptions. The public needs to understand that the criminal justice system is there to serve and protect, not endanger them. Having said that, the reparative boards are a conduit that holds the promise of giving back to the public a sense of ownership of a significant piece of the criminal justice function. To a considerable degree, the reparative boards have the potential to repair the disconnect. Turning over decision-making authority to the community and allowing community members to decide what is appropriate in terms of sanctions and risks may be the key to reducing public alienation, cynicism and disaffection. It may be the key to reconnecting the public to the criminal justice system and restoring public ownership of what is perhaps government's primary and most important function.

IV. Background: The Development of Restorative Justice in Vermont

In 1991, the Vermont Department of Corrections took on the challenge of "reinventing government" as it pertains to crime and corrections. Like most states, Vermont throughout the 1980s had experienced a surge in the number of offenders sent to prison. From 1981 to 1990 the number of sentenced offenders in Vermont's correctional institutions grew from 514 to 990 – a 93 percent increase. The correctional system was plagued by severe overcrowding, with population levels at times running up to 191 percent of capacity.⁸

Throughout this period of growth in the incarcerated population, crime rates were *not* increasing. According to FBI Uniform Crime Reports, the rate of violent crime in Vermont, which runs at about one-sixth the national average, remained virtually flat from 1981 (128.8 per 100,000) to 1990 (127.2 per 100,000), while the rate of property crime actually decreased. Reflecting these crime patterns, the number of arrests showed little or no growth.

But other indicators showed that the criminal justice system was "getting tough" with offenders. Felony *convictions* grew by 19 percent between 1982 and 1990, and the proportion of felony cases receiving an incarcerative sentence rose even more sharply, from 50 to 64 percent. The average length of the prison terms imposed by judges also shifted somewhat. While the average minimum term imposed remained about the same in 1986 (1.7 years) as in 1990 (1.75 years), the average maximum rose from 4.2 to 5.3 years (Vermont DOC 1997).

Parole approval rates nearly collapsed in the 1980s, from a 1981 high of 65 percent to a low in 1988 of only 25 percent. Thereafter, parole approvals moved steadily up again to 37 percent by 1990 and to 49 percent in 1994. But the degree of constriction at the "back end" served to further crowd inmates in the state's institutions. Although tracking at less than half the national average, the state's incarceration rate, i.e., the proportion of inmates sentenced to one year or more in prison per 100,000 population, almost doubled over the decade of the 1980s, from 67 to 117.

Unlike their counterparts in many states, Vermont's policymakers were not convinced that simply expanding the state's prison capacity would solve their problems. And so they embarked upon an ambitious effort to gain a better understanding of the fundamental elements driving the population growth in order to design a comprehensive response that would reflect and complement the attitudes and values which underlay public opinion about crime and corrections in their state (Perry & Gorczyk 1997). Their work would place Vermont in the front lines of a growing national effort to retool a failing criminal justice system by infusing it with concepts of "restorative justice" and meaningful community involvement.

⁸ Vermont's correctional system had not pursued the program of institutional expansion followed by most states in the 1980s. Bed capacity growth from 1983 to 1993 was only 17 percent. By spring 1997, the system was operating eight facilities with a total of 1104 beds available to house offenders (Vermont DOC Facts and Figures, 1997). By spring 1999, Vermont was housing nearly 400 prisoners in Virginia and other states.

The Goals of the Reform: Understanding that the public had grown increasingly dissatisfied with a criminal justice system it believed was failing to respond to the problem of crime, Vermont's policymakers began to examine the perceived shortcomings of the two traditional correctional options: prison and probation. Vermont's correctional officials had come to understand that most offenders fall between these two extremes. For them, probation did not offer enough accountability or control, while prison was too restrictive and did not address the real needs of victims or the community for reparation. They concluded that there was an insufficient range of options to effectively manage or treat offenders and that the criminal justice system as a whole was failing to offer tangible restorative benefits to crime victims or the community (Perry & Gorczyk 1997).

The primary goal of a raft of new initiatives was to turn from the traditional punishment-and-control model to a problem-solving, "restorative" model that would respond more flexibly to the needs of both victims and offenders while bringing the justice process closer to the community by directly involving citizens in adjudication and correctional decisions. Moreover, planners believed that if they could visibly reorient the sanctioning and supervision system toward well-articulated, reparative goals the public could embrace, the prison-overcrowding problem could be addressed through increased reliance on intermediate sanctions. At the same time, they reasoned that a greater degree of public satisfaction with the workings of the criminal justice system could be won through an increased focus on victim restitution and community reparation.

The Reform Program: The work to address these issues began in 1991 through the design of an array of innovative intermediate sanctions programs that ran along two "tracks." For offenders whose behavioral problems presented risks to public safety, planners designed targeted treatment options, a work camp, and a violent offender program within the prison system. For less serious, non-violent offenders, they undertook a simultaneous reshaping of community supervision toward the concept of "reparative probation" with the establishment of community boards that would determine how each offender could best make amends for the harm done and a restitution revolving fund to assure that victims could receive just compensation.

The community reparative boards required the recruitment of well-respected citizens in each community to serve by appointment by the Commissioner of Corrections. These citizens would meet directly with offenders to examine the pertinent circumstances and devise a reparation plan geared to the following objectives:

- Restoring and making whole the victims of crime;
- Making amends to the community;
- Learning about the impact of crime on victims and the community; and
- Learning ways to avoid offenses in the future.

"Market Research:" By March 1994, the state had received a \$1 million grant from the federal Bureau of Justice Assistance to implement the plan, and the new "product line" was ready to roll.

The Department of Corrections decided to test its acceptability using public opinion research techniques. Doble Research was asked to design and implement this work, which involved both focus groups of randomly selected Vermonters to obtain preliminary feedback about the proposed reforms and a 400-person, statewide telephone survey, randomly sampling opinion on crime and the correctional system.

The research revealed that Vermonters shared many opinions held by others across the country. They believed that crime, violent crime, and illegal drug use were increasing, and that the "breakdown of the family" was the main cause of crime (Doble 1994).

The results also revealed new information:

- First, the survey showed that while 93 percent of Vermonters wanted nearly all *violent* offenders to be incarcerated, only 14 percent believed this is what the state is doing. This finding, we hypothesized, was a core reason for low public confidence in the criminal justice system.
- Second, the survey showed three out of four Vermonters favored "totally reviewing and changing" the way the state deals with nonviolent offenders.
- Third, the people of Vermont, the survey showed, strongly believed in rehabilitation. Vermonters were committed to the principle of rehabilitation, of giving offenders another chance *even though they thought it would be unsuccessful most of the time*.
- Fourth, and most important, the people of Vermont, by an overwhelming margin of 92 to 6 percent, were in favor of developing a system of community reparative boards that would enlist volunteers who, working with the judge, would oversee the sentence of selected *nonviolent* offenders.

Once the survey was complete, Vermont's correctional planners devised a strategy for putting it to use. The data were unveiled in stages and packaged in different formats for a variety of key audiences. First the reports were confidentially circulated to correctional program managers to acquaint them with findings about how low the public's level of confidence in traditional correctional practices had fallen. A quiet shock wave began to reverberate within the department. Referring to the public, one manager exclaimed, "They *hate* us, don't they!" And, as the information was absorbed, it served to prepare and motivate the staff for their involvement in the program planning and implementation process, which still lay ahead.

Next, the data were shared with Vermont's legislative leaders, many of whom were amazed to find their "common wisdom" approaches to criminal justice legislation were less on-the-mark in terms of the public's values and attitudes than they had supposed. The data helped to build confidence about the level of political permission for budgetary investments in innovative, "restorative" program

models. The next step taken was to disseminate the findings more broadly by circulating snapshots of the data to target audiences within the wider criminal justice system: judges, lawyers, and law enforcement officials. This served to focus their attention on the need for change.

Taken together, the findings played a crucial role in loosening the soil for sowing new concepts across the field. With fresh information graphically depicting the need for change, key criminal justice actors were now ready and willing to invest time and energy to serve on departmentally organized design teams that took up the process of refining the program models and preparing for their introduction throughout the state.

Restorative Justice in Vermont: By May 1999, 44 community reparative boards involving over 300 citizens had been established across the state. The boards have handled over 3,000 cases. On the reparative track, the options are reparative probation (where the community reparative board determines the form of restitution to be made) or community restitution (a sentence of community service performed either in a supervised community work crew, or at the work camp). The reparative board process may also involve family group conferences, victim-offender mediation, or victim impact panels sessions to acquaint offenders with the consequences of their criminal actions. (Vermont DOC *Sentencing Options* 1997)

The risk-management intermediate sanctions track offers community supervision with more restrictive conditions, which can be coupled with targeted treatment options. The most serious offenders on this track receive a sentence to prison.

A number of specific programs have been developed under Department of Corrections management to handle the offenders sentenced under the two-track system:

The Intensive Substance Abuse Program. ISAP is a six-month, community-based treatment program for nonviolent, substance-abusing offenders. Participants receive group therapy and individual counseling, and are subject to alcosensor and urinalysis tests to detect continued abuse. Established in the summer of 1994, by early 1997, almost 250 offenders had successfully completed ISAP.

Life Management Program. Since the fall of 1994, LMP has targeted nonviolent offenders under the age of 26 who need training, structured supervision, and support for pro-social behavior. The program involves six months at an intensive level of contact and support through a team-supervision strategy deployed in the field as well as in the correctional services office. Electronic monitoring is available, as is placement in independent-living apartments. Offenders are enlisted in a cognitive skills development component along with a more traditional life- and job-skills training program and substance abuse counseling.

Intensive Domestic Abuse Program. IDAP, initiated in November 1996, was designed to handle a burgeoning caseload of offenders convicted for domestic violence crimes. Participants are closely supervised and required to attend group sessions three times a week,

which involve anger management training and other forms of counseling to address the problems that underlie abusive and battering behavior in the family.

Community Restitution. Since Community Restitution Service Teams were first deployed in the summer of 1994, offenders have completed more than 1,200 projects and contributed more than 125,000 hours of volunteer labor in communities across the state. These projects have involved construction, carpentry, painting for public and private agencies, environmental restoration work, and assisting community-serving organizations such as the Salvation Army and the Vermont Food Bank to serve the needy.

Reparative Probation. Board members take over the sanctioning process once a judge determines that an offender will be placed on reparative probation. Once they gain some insight into the circumstances and causes that contributed to the crime, board members make an effort to enlist participation from victims, hoping to motivate the offender to make a direct apology and to involve the victim in crafting a reparative agreement.

Preliminary Impact on the Criminal Justice System: DOC data on correctional intakes show that as admissions to the correctional options described above have increased, admissions to prison have fallen dramatically, compared to the pattern before the implementation of the reform program:

Sentenced Admissions to Prison				
	July 1993 – June 1994		Oct 1995 - Sept 1996	
	Number	Percent	Number	Percent
Total Correctional Intakes	4,903	100	5,051	100
Incarcerated Admissions	2,660	54.3	880	17.4

Source: Vermont DOC *Sentencing Options* 1997

This shift reflects a targeted reprioritization of correctional options. Institutional population data indicate that 75 percent of those now serving a prison sentence of more than one year were convicted of a violent offense, up from 66 percent in 1991.

By the summer of 1998, Vermont DOC had completed three years of operational experience with "restorative justice." And so policymakers welcomed this effort to survey the people of Vermont in order to update the 1994 findings and assess how Vermonters now feel about the reforms and changes that have been instituted.

V. The Public's Starting Point:

Three Misperceptions that Underlie Public Opinion

Misperception #1: Vermonters Overestimate the Crime Rate

Vermonters do not believe that crime is decreasing. Despite the well publicized fact that the state's crime rate has been declining rather steadily over the past several years, most Vermonters, upwards of 80 percent, say crime is either increasing or the same as it was 5 years ago, while fewer than 1 in 10 percent, correctly assess that crime is decreasing.

Table 1
Views about Crime Compared to Five Years Ago

Compared to five years ago in Vermont:	Increasing	About the Same	Decreasing	NS/DK
	%	%	%	%
Crime is . . .	47	40	7	7
Violent crime is . . .	45	41	7	7
Illegal drug use is . . .	46	34	5	14

Question: Compared to five years ago, would you say crime in Vermont is increasing, decreasing, or about the same as it was?

Quotes from the Focus Groups:

Years ago, you never heard of murder, rape or anything like that. Today, it seems that every time you pick up the newspaper, that's what you see. Twenty years ago, you could leave your doors unlocked. Today, you can't walk out in the dark.

- Burlington woman

There's a lot more drug use. Back in the 1950s, marijuana was way out in Los Angeles. You never saw it around here. But in the last 5 or 10 years, there's more [here].

- St. Johnsbury woman

I think there's more theft. People who don't have a good income [break into] people's homes, cars, businesses.

- St. Johnsbury man

There is more teen-related crime. Like people getting beat up. I had a friend who was mugged down by Harry's Quick Stop, and his jaw was totally broken.

- Burlington woman

However, the number of people saying crime is rising has *decreased* over the past five years. That is, the public's sense is more accurate than it used to be; the percentage giving a totally inaccurate answer has dropped from 62 percent in 1994 to 47 percent in 1999.

Taken together, Tables 1 and 2 suggest that public opinion, though lagging behind events, is gradually shifting and that the number with an inaccurate view will continue to decline over the next few years.

<u>Crime is . . .</u>	<u>VT '99</u> %	<u>VT '94</u> %	<u>Net</u> %
Increasing	47	62	-15
About the same	40	33	+7
Decreasing	7	2	+5
NS/DK	7	3	+4
<u>Violent crime is . . .</u>	<u>VT '99</u> %	<u>VT '94</u> %	<u>Net</u> %
Increasing	45	60	-15
About the same	41	33	+8
Decreasing	7	4	+3
NS/DK	7	3	+4
<u>Illegal drug use is . . .</u>	<u>VT '99</u> %	<u>VT '94</u> %	<u>Net</u> %
Increasing	46	51	-5
About the same	34	33	+1
Decreasing	5	6	-1
NS/DK	14	10	+4

Question: Compared to five years ago, would you say crime/violent crime/illegal drug use in Vermont is increasing, decreasing, or about the same as it was?

Doble Research has conducted numerous studies of public opinion across the country in states where crime has either been decreasing or held steady. In each case, the public has overestimated how much crime there is.

The percentage giving an incorrect answer is smaller in Vermont in 1999 than it was in any of the other states surveyed. Again, the evidence would seem to suggest that public opinion is lagging behind events and gradually shifting to the view that crime is not increasing.

Table 3
Beliefs about Crime in Vermont Compared to Other States

<u>Statement:</u>	<u>VT '99</u>	<u>NH '98</u>	<u>NC '95</u>	<u>OK '95</u>	<u>OR '95</u>	<u>VT '94</u>
	%	%	%	%	%	%
Crime is increasing	47	52	81	79	78	62
Violent crime is increasing	45	52	80	76	77	60
Illegal drug use is increasing	46	48	67	52	52	51

Question: Compared to five years ago, would you say crime in (name of state) is increasing, decreasing, or about the same as it was?

One family in eight, 13 percent, reports that a family member was a crime victim within the past three years. Four percent, or one family in 25, report being victimized in a violent crime.

Table 4
Recent Crime Victims in Vermont

Question: Within the past three years, has anyone in your household been a victim of crime?	Yes %	No %
Yes	13	86

Question: Was it a violent or nonviolent crime?	Total %
Yes, it was a violent crime	4

The number of victims, 13 percent, is identical to what it was in 1994. And so these self-reports do not suggest that crime in the state has decreased over the past five years.

Table 5
Crime Victims in Vermont (1999 v. 1994)

Question: Within the past three years, has anyone in your household been a victim of crime?	VT '99 %	VT '94 %
Yes	13	13

Question: Was it a violent or nonviolent crime?	VT '99 %	VT '94 %
Yes, it was a violent crime	4	3

Question: Has anyone in your household been the victim of a crime within the past three years? Was it a violent or nonviolent crime?

Misperception #2: Many Vermonters Believe that Offenders Convicted of the Most Heinous Crimes, Including Rape at Knifepoint, Are Often Not Incarcerated

While saying violent offenders should almost always be incarcerated, only 15 percent think this is what the state is doing.

Vermonters were asked when violent offenders *should be* incarcerated. Then they were asked what they believe the state *actually does*. The two questions, taken together, enable us to compare Vermonters' preferences to their beliefs. And they identify a major source of public discontent with the criminal justice system: Vermonters believe that violent offenders, including rapists, should almost always be incarcerated. Yet only minorities believe that is what the state does.

For example, when it comes to violent crime, 62 percent want almost all convicted offenders to be incarcerated. But only 15 percent think this is what, in fact, happens.

Table 6
How Often Violent Offenders *Should Be Sent to Prison*
v. *How Often They Are Sent to Prison*

	<u>Should be sent to prison</u>		<u>Are sent to prison</u>	
	%		%	
Every single time without exception	46		4	
Almost all the time, almost no exceptions	16	>62%	11	>15%
Most of the time, depending on the circumstances	30		33	
About half the time, depending on the circumstances	5		28	
Less than half the time	1		15	
Not sure/don't know	2		9	

Quotes from the Focus Groups:

Frankly I think we spend too much time giving everybody a group hug. Recently in the paper, I saw that a man had his 17th DWI or whatever, and he has yet to serve a day in jail.

- Rutland man

You can commit a murder [in Vermont] and be walking the streets in less time than somebody who had a marijuana cigarette [in Texas].

- Burlington woman.

Vermonters' views on these questions are essentially unchanged since 1994.

Table 7
How Often Violent Offenders Should Be Sent to Prison (1999 v. 1994)

	<u>VT '99</u> %	<u>VT '94</u> %
Every single time without exception	46	47
Almost all the time, almost no exceptions	16 >62%	19 >66%
Most of the time, depending on the circumstances	30	27
About half the time, depending on the circumstances	5	5
Less than half the time	1	1
Not sure/don't know	2	2

Table 8
How Often Violent Offenders *Are* Sent to Prison (1999 v. 1994)

	<u>VT '99</u> %	<u>VT '94</u> %
Every single time without exception	4	4
Almost all the time, almost no exceptions	11 >15%	10 >14%
Most of the time, depending on the circumstances	33	32
About half the time, depending on the circumstances	28	27
Less than half the time	15	21
Not sure/don't know	9	7

The gap between what Vermonters want and what they believe happens is even greater when it comes to rape. In a case of a rape at knifepoint, 95 percent believe the offender should almost always be incarcerated, yet only 28 percent think this is what happens.

Table 9
How Often Someone Who Violently Rapes a Woman *Should* Be Sent to Prison
v. *How Often They Are* Sent to Prison

	Should be sent to <u>prison</u> %	Are sent to <u>prison</u> %
Every single time without exception	92 > 95%	15 > 28%
Almost all the time, almost no exceptions	3	13
Most of the time, depending on the circumstances	4	29
About half the time, depending on the circumstances	1	20
Less than half the time	--	11
Not sure/don't know	1	13

For the most part, Vermonters believe that when it comes to quality of life crimes like vandalism, the system is doing what it should. Most do not want to incarcerate such offenders and almost everyone believes that such offenders are not sent to prison.

Table 10
How Often Someone Convicted of a Quality of Life Crime *Should* Be Sent to Prison
v. How Often They *Are* Sent to Prison

	<u>Should be sent to</u> <u>prison</u> %	<u>Are sent to</u> <u>prison</u> %
Every single time without exception	11	1
Almost all the time, almost no exceptions	10 > 21%	2 > 3%
Most of the time, depending on the circumstances	27	8
About half the time, depending on the circumstances	23	23
Less than half the time	22	57
Not sure/don't know	7	9

Table 11: Summary
The Gap Between What Vermonters Want and What They Believe Happens

	<u>Total</u>
	%
Someone convicted of a quality of life crime, like vandalism . . .	
Should be sent to prison every single time/almost all the time	21
Is in fact sent to prison every single time/almost all the time	3
Gap between what people want and what they believe happens	-18
Someone convicted of violent crime using gun/knife/brute force . . .	
Should be sent to prison every single time/almost all the time	62
Is in fact sent to prison every single time/almost all the time	15
Gap between what people want and what they believe happens	-47
Someone convicted of violent rape at knife point . . .	
Should be sent to prison every single time/almost all the time	95
Is in fact sent to prison every single time/almost all the time	28
Gap between what people want and what they believe happens	-67

Misperception #3: Vermonters Believe that “Many Violent Offenders” Are Released Early Merely to Relieve Overcrowding

Vermonters believe that because of prison overcrowding, violent offenders are released early.

A large majority, 76 percent, believes the state’s jails and prisons are very overcrowded, the same percentage as in 1994.

Nearly two-thirds of the people of Vermont, 63 percent, believe that overcrowding is so severe that “many offenders who committed a crime using a gun or a knife” are being released before serving their complete sentence. Only 14 percent strongly disagree.

**Table 12
Beliefs about Prison Overcrowding and Its Effects**

“VT’s jails and prisons are very overcrowded.”	Total %	
Strongly agree	45	>76%
Somewhat agree	31	
Somewhat disagree	6	>8%
Strongly disagree	2	
Not sure/don’t know	17	
Question: Do you agree or disagree with this statement: “Vermont’s jails and prisons are very overcrowded.”		
“Because of overcrowding, violent offenders are released early.”	Total %	
Strongly agree	37	>63%
Somewhat agree	26	
Somewhat disagree	9	>23%
Strongly disagree	14	
Not sure/don’t know	13	
Question: “Do you agree or disagree with this statement: Because of prison overcrowding, many offenders who committed a violent crime using a gun or a knife are being released early before serving their complete sentence.”		

In a recent Doble Research study in New Hampshire, roughly the same percentage said violent offenders are being released early because of overcrowding. Taken together, the results suggest that Vermonters' views are part of a broader public mind-set about "the system," not attitudes that are peculiar to Vermont.

Table 13
Beliefs About the Early Release of Violent Offenders
(Vermont Compared to New Hampshire)

<u>Statement: Violent offenders are frequently released early</u>	<u>VT '99</u> %	<u>NH '98</u> %
Strongly/somewhat agree	63	57
Strongly/somewhat disagree	23	30
Not sure/don't know	13	14

Question: Do you agree or disagree with this statement: "Because of prison overcrowding, many offenders who committed a violent crime using a gun or a knife are being released early before serving their complete sentence."

Quotes from the Focus Groups:

I don't think [violent offenders] should get out until their time is up. You give them a ten-year sentence, but then let them out in three. That's just not the way to tell them they did wrong.

- St. Johnsbury woman

Even offenders as dangerous as sex offenders, who should be in for a long time, are not in long enough. Three years is probably about as long as sentence as a sex offender is going to get in the state of Vermont. [And with a sentence like that], they can be out in two days.

- Rutland woman

I don't think they're letting murderers out, but sex offenders and whatever, they certainly are letting them out early.

- Brattleboro woman

Vermonters today are as likely to say the prisons are overcrowded as they were in 1994.

Table 14
Beliefs About Prison Overcrowding: 1999 v. 1994

Statement: Vermont's jails and prisons are very overcrowded	<u>VT '99</u> %	<u>VT '94</u> %	<u>Net</u> %
Strongly/somewhat agree	76	76	nc
Strongly/somewhat disagree	8	16	-8
Not sure/don't know	17	8	+9

Question: Do you agree or disagree with this statement: "Vermont's jails and prisons are very overcrowded."

Quotes from the Focus Groups:

Definitely in Vermont there's overcrowding. I've read many newspaper articles about prison inmates who were upset because they were being sent down to Massachusetts because they couldn't be held in Vermont prisons.

- Brattleboro woman

Right now we're in the process of sending 100 Vermont prisoners to Carolina.

- Brattleboro man

VI. Rating the Performance of the Criminal Justice System

Vermonters' beliefs serve as the premise for an array of other opinions, including their evaluation of the criminal justice system as a whole. State residents are split about the job being done by the criminal justice system as a whole, with 46 percent saying the system is doing a good job and 51 percent saying the performance is at best only fair.

1. The Criminal Justice System as a Whole

Table 15
Rating Vermont's Criminal Justice System as a Whole

<u>The job being done by the criminal justice system as a whole:</u>	<u>Total</u>	
	%	
Excellent	3	> 46%
Good	43	
Only fair	40	> 51%
Poor	11	
Not sure/don't know	3	

Question: How would you rate the job being done by the criminal justice system as a whole: excellent, good, only fair, or poor?

In the Burlington focus group, participants unanimously felt that an armed robber who received a sentence of five to ten years would be released after serving, at most, three years.

2. Judges

By a margin of 53 to 42 percent, Vermonters said the state's judges are doing a good job. This result represents a statistically significant improvement of seven percentage points from 1994.

Table 16
Rating the Job Performance of Vermont's Judges

The job being done by Vermont's judges is:	Total %
Excellent	6 > 53%
Good	47
Only fair	33 > 42%
Poor	9
Not sure/don't know	5

Rating the Job Performance of the State's Judges: 1999 v. 1994

The job being done by Vermont's judges is:	VT '99 %	VT '94 %	Net %
Excellent/good	53	46	+7
Only fair/poor	42	50	-8

Question: How would you rate the job being done by Vermont's judges in an overall sense: excellent, good, only fair, or poor?

Vermont's judges are quite well regarded compared to recent assessments in Pennsylvania and Delaware. New Hampshire residents, however, were slightly more inclined than Vermonters to say their state's judges are doing a good job.

Table 17
Views About State Judges: Vermont Compared to Other States

The state's judges are doing:	VT '99	NH '98	PA '93	DE '91
	%	%	%	%
An excellent/good job	53	61	17	29
Only fair/poor	42	35	76	59

Question: How would you rate the job being done by (the state's) judges in an overall sense?

Quotes from the Focus Groups:

The judges are too lenient on sexual offenders.

- Burlington woman

I see it time and time again, just looking in the paper and reading [about someone] like a DWI offender, or [someone] driving with a license suspended, and getting caught 8, 10, 12 times . . . What happened on the third or fourth time that let this guy out to where he could be in that situation again?

- Brattleboro man

The court's hands are tied in a lot of cases.

- Brattleboro man

I think that leniency evolves from a lot of backlog, overloaded prosecutors, and so they plea bargain. That's where most of the leniency comes from. Because they just don't have the time or the money to really prosecute this individual for the crime that he committed.

- Brattleboro man

3. Juries

By a margin of 76 to 21 percent, Vermonters said juries do a good job, a result suggesting that Vermonters have great confidence in "the public" when it comes to criminal justice. Indeed, as shown below, juries are rated more highly than any component of the criminal justice system.

Table 18
How People Rate the Job Done by Vermont's Juries

The job being done by juries made up of average Vermonters:	Total %	
Excellent	8	>76%
Good	68	
Only fair	17	>21%
Poor	4	
Not sure/don't know	4	

Question: How would you rate the job being done by juries made up of average Vermonters?

4. The Police

By an overwhelming three to one, Vermonters give the state's police a favorable rating.

Table 19
Rating the Performance of Vermont's Police

The job being done by Vermont's police is:	Total %	
Excellent	16	>75%
Good	59	
Only Fair	20	>25%
Poor	5	
Not Sure/don't know	2	

Question: What about the job being done by Vermont's police: excellent, good, only fair, or poor?

5. State Prosecutors

A narrow majority said state prosecutors do a good job. As with judges, New Hampshire residents were slightly more inclined than Vermonters to give their prosecutors a positive rating.

Table 20
Rating Vermont's Prosecutors

The job being done by Vermont's prosecutors is:	Total %	
Excellent	4	> 51%
Good	47	
Only fair	35	> 42%
Poor	7	
Not sure/don't know	7	

Question: "How would you rate the job being done by Vermont's prosecutors?"

Table 21
Rating the State's Prosecutors
(Vermont Compared to New Hampshire)

The job being done by the state's prosecutors is:	VT '99 %	NH '98 %
Excellent	4	8
Good	47	53
Only fair	35	25
Poor	7	6
Not sure/don't know	7	9

6. Probation and Parole

While only 37 percent said probation and parole is doing an excellent or good job, the result represents a statistically significant 7 point improvement over 1994.

Table 22
Rating the Job Performance of Vermont's Probation and Parole System

Job done by probation and parole is:	Total	
	%	
Excellent	2	> 37%
Good	35	
Only fair	36	> 49%
Poor	13	
Not sure/don't know	14	

Rating the Job Performance of Probation and Parole System: 1999 v. 1994

Job done by probation and parole is:	VT '99	VT '94	Net
	%	%	%
Excellent/good	37	30	+7
Only fair/poor	49	59	-10

Question: What about the job being done by Vermont's probation and parole system in an overall sense: excellent, good, only fair, or poor?

Probation and parole receives a much better assessment than that given to Pennsylvania in 1993.

Table 23
The Performance of Probation and Parole in Vermont Compared to Other States

Probation and parole is doing:	VT '99	NH '98	PA '93
	%	%	%
Excellent/good	37	40	8
Only fair/poor	49	38	71

The reason why Vermonters give probation and parole a comparatively low job rating involves staffing rather than competence. By an overwhelming margin of 70 to 11 percent, people believe that probation and parole officers are overburdened and have “too many cases to handle effectively.” Vermonters’ thinking on this point is essentially unchanged since 1994. If the officer-offender ratio is within the limits desired by DOC, the results suggest the need for public education. On the other hand, if DOC feels that the ratio is less than optimum, the results suggest there would be significant public support for increasing the number of probation and parole officers.

Table 24
Beliefs about the Burden on Probation and Parole Officers

Question: Do you agree or disagree with this statement: “Vermont’s probation and parole system is staffed by officers with too many cases to handle effectively.”

	<u>Total</u> %	
Strongly agree	42	> 70%
Somewhat agree	28	
Somewhat disagree	8	> 11%
Strongly disagree	3	
Not sure/don’t know	19	

Table 25
Beliefs About the Burden on Probation and Parole Officers: 1999 v. 1994

Strongly/somewhat agree with this statement:	VT ‘99 %	VT ‘94 %	Net %
Vermont’s probation and parole system is staffed by officers with too many cases to handle effectively	70	73	-3

7. Jails and Prisons

Vermonters are divided on the job performance of the state's jails and prisons, with 44 percent saying they are doing a good job. In the focus groups, people said that a stint behind bars, instead of teaching an offender his lesson, often makes him more dangerous because he associates with hardened criminals. At the same time, however, the state's jails and prisons are better regarded in 1999 than they were in 1994. There is a statistically significant increase, seven percentage points, in the number giving a positive rating between the two surveys.

Table 26
Rating Vermont's Jails and Prisons

<u>The job being done by the Vermont's jails and prisons is:</u>	<u>Total</u>	
	%	
Excellent	3	> 44%
Good	41	
Only fair	36	> 45%
Poor	9	
Not sure/don't know	11	

Rating the Job Performance of the State's Jails and Prisons: 1999 v. 1994			
<u>The job being done by the Vermont's jails and prisons is:</u>	<u>VT '99</u>	<u>VT '94</u>	<u>Net</u>
	%	%	%
Excellent/good	44	37	+7
Only fair/poor	45	52	-7

Question: "How would you rate the job being done by Vermont's jails and prisons: excellent, good, only fair, or poor?"

Quotes from the focus groups:

Spend 30 days in jail . . . and you'll meet somebody [who'll say, "Let's] be buddies when we get out, we're going to run together."

- Rutland man

Jail is a violent environment. You're surrounded by violence all day, every day.

- Burlington man

Especially compared to Pennsylvania and Delaware, Vermont's jails and prisons are well regarded.

Table 27
Rating the Job Performance of the State's Jails and Prisons:
Vermont Compared to Other States

State's jails and prisons are doing:	<u>VT '99</u>	<u>NH '98</u>	<u>PA '93</u>	<u>DE '91</u>
	%	%	%	%
A good/excellent job	44	49	13	18
Only a fair/poor job	45	38	68	62

Question: How would you rate the job being done by (the state's) jails and prisons: excellent, good, only fair, poor?

Quotes from the Focus Groups:

I think something like 70 percent of the people in jail are in for nonviolent or drug offenses. When you spend a certain amount of time in jail under those conditions, those people become violent. Instead of being rehabilitated by the time they spend in jail, they go in as a nonviolent criminal and they come out as a violent criminal.

- Burlington man

Vermonters are split on whether to build more prisons if taxes must be raised to do so, with 51 percent in favor and 45 percent opposed. This result is essentially the same as in 1994.

Table 28
Willingness to Build More Prisons if That Means Raising Taxes

<u>"We should build more prisons, even if that means raising taxes"</u>	<u>Total</u>
	%
Strongly agree	17
	>51%
Somewhat agree	34
Somewhat disagree	24
	>45%
Strongly disagree	21
Not sure/don't know	4

Willingness to Build More Prisons: 1999 v. 1994

<u>"We should build more prisons, even if that means raising taxes"</u>	<u>VT '99</u>	<u>VT '94</u>
	%	%
Strongly/somewhat agree	51	48
Strongly/somewhat disagree	45	47

However, there is more willingness to build new prisons in Vermont than in many other states we surveyed. Only in Oregon in 1995 was their greater willingness to build new prisons.

Table 29
Willingness to Build More Prisons if That Means Raising Taxes

<u>Agree</u>	<u>VT '99</u>	<u>NH '98</u>	<u>NC '95</u>	<u>OK '95</u>	<u>OR '95</u>
	%	%	%	%	%
Build more prisons, even if that means raising taxes	51	42	34	39	57

This table summarizes how Vermonters feel about the components of the criminal justice system. People reserve their highest ratings for juries and the police, with overwhelming majorities endorsing the job each is doing. Vermonters tend to be divided about the job performance of the other components of the system.

Table 30: Summary
How People Rate Individual Branches of the Vermont Criminal Justice System

	<u>Excellent/Good</u>	<u>Only Fair/Poor</u>	<u>Net</u>
	%	%	%
Juries	75	21	+54
Police	74	24	+50
Judges	53	42	+11
Prosecutors	51	42	+9
Criminal justice system as a whole	46	51	-5
Jails and prisons	44	45	-1
Probation and parole	37	50	-13

Question: How would you rate the job being done by Vermont's _____ in an overall sense: excellent, good, only fair, or poor?

Importantly, three components of the criminal justice system – the state's judges, jails and prisons, and probation and parole – are all better regarded in 1999 than they were in 1994.

Table 31: Summary
Rate the Branches of the Criminal Justice System (1999 v 1994)

	<u>VT '99</u>	<u>VT '94</u>	<u>Net</u>
	%	%	%
Judges	53	46	+7
Jails and prisons	44	37	+7
Probation and parole	37	30	+7

Question: How would you rate the job being done by Vermont's _____ in an overall sense: excellent, good, only fair, or poor?

VII. Beliefs about the Diversion Program

The diversion program is well known and well regarded. A solid majority, 61 percent, is familiar with the program. Of those who know about it, 76 percent have a positive view.

Table 32
Percent of People Who Have Heard of the Diversion Program

<u>Statement:</u>	<u>Yes</u> %	<u>No</u> %	<u>NS/DK</u> %
Heard of diversion program?	61	36	3

Question: Have you ever heard of the diversion program for first offenders?

Table 33
Overall Opinions of the Diversion Program
(Of Those Who Have Heard about the Program)

<u>Statement:</u>	<u>Positive</u> %	<u>Negative</u> %	<u>NS/DK</u> %
Overall opinion of diversion program	76	13	11

Question: Is your overall opinion of the diversion program positive or negative?

Quotes from the Focus Groups:

I went through diversion. I got caught with pot . . . I went in and sat down with a group of people . . . I told them what happened and they came up [with a sentence] of 30 hours of community service and drug tests. It kept me from going to jail.

- Burlington man

I know somebody who went through diversion . . . He had to go to counseling, [make] a trip to prison to meet with the inmates, [do] community service work, and a couple of other things. It was a very stiff contract that this person had. It changed his life. It made a huge difference. It was very successful.

- Brattleboro man

As far as nonviolent and first offenders go, I think [the diversion program] is great. It's also been extended to sex offenders under 18 years old . . . No child grows up to abuse people who was never abused before. If you can stop it when this kid's 13, that's [a lot of potential victims who won't be abused].

- Rutland man

In the questionnaire, we explained what the diversion program is, then asked people their opinions. In so doing, we can gauge people's views after they have learned more about the program. When Vermonters learned more, they overwhelmingly endorsed the diversion program by a margin of 83 to 13 percent.

Table 34
Views About Sending First-time Offenders to the Diversion Program Instead of Prison

Question: How do you feel about sentencing *carefully selected, first time offenders* to the diversion program instead of to prison?

	<u>Total</u>
	%
Strongly favor	43
	> 83%
Somewhat favor	40
Somewhat oppose	8
	> 13%
Strongly oppose	5
Not sure/don't know	5

Question: Under the diversion program, *first offenders* must go, instead of to prison, before a group of citizen-volunteers that works with a judge to determine and oversee a sentence that includes some, or all, of the following: up to 50 hours of unpaid community service such as cutting brush; restitution or paying back the victim; writing a letter of apology; attending mandatory classes in, say, anger management, if appropriate; taking random drug or alcohol tests and completing mandatory treatment, if appropriate; and writing an essay on how the offense harmed the community. If offenders successfully complete their sentence, their criminal record is expunged or erased. How do you feel about sentencing *carefully selected, first offenders* to the diversion program instead of to prison?

Quotes from the Focus Groups:

The diversion program is good because it gives young, first offenders a second chance. The last thing you want to do is send a kid to prison where he'll rub elbows with some really bad guys.

- Burlington man

You put a young person into jail, he'll come out worse. Some of the young people [in the diversion program] work at the recycling center. They want their record wiped clean so they can start anew. And so they're serious about it, they're motivated, they want to do the right thing. Some of them are getting counseling, and no doubt that helps a lot. I feel that [the diversion program] is a very good thing.

- St. Johnsbury man

VIII. Beliefs About Reparative Boards

Only 11 percent of Vermonters are familiar with reparative boards. But those who are familiar have a positive view by a margin of seven to one.

Table 35
Percent of People Who Have Heard of Reparative Boards

Question: Have you heard of the Community-based reparative Boards?	<u>Yes</u> %	<u>No</u> %	<u>NS/DK</u> %
	11	87	2

Question: Have you ever heard of the community-based reparative boards?

Table 36
People's Overall Opinion of Reparative Boards
(Of Those Who Have Heard about the Program)

Question: Is your overall Opinion of the reparative boards Positive or negative?	<u>Positive</u> %	<u>Negative</u> %	<u>NS/DK</u> %
	77	11	13

Question: Is your overall opinion of community-based reparative boards positive or negative?

As with the diversion program, we gave people information during the interview about reparative boards. After learning more, Vermonters overwhelmingly endorsed the idea of using reparative boards by an astounding, nearly unheard of margin of 91 to 8 percent.

Table 37
Views About Sending Nonviolent Offenders to Reparative Boards instead of Prison

Question: How do you feel about using reparative boards made up of average people to determine and supervise that activities of *carefully selected, nonviolent* offenders instead of sending them to prison?

	Total %
Strongly favor	47
Somewhat favor	44
Somewhat oppose	5
Strongly oppose	3
Not sure/don't know	1

Question: Community-based reparative boards are made up of citizen-volunteers who work with a judge to determine and oversee the sentence of *nonviolent* offenders. Instead of going to prison, offenders must complete a sentence that includes some, or all, of the following: up to 50 hours of unpaid community service such as cutting brush; restitution or paying back the victim; writing a letter of apology; attending mandatory treatment, if appropriate; and writing an essay on how the offense harmed the community. How do you feel about using community-based reparative boards made up of average people to determine and supervise the unpaid work and other activities of *carefully selected, nonviolent* offenders instead of sending them to prison?

Why People Liked the Idea of Reparative Boards

The boards may help reduce prison overcrowding

I think [reparative boards] are a good idea because otherwise it could fill the jails even more than they are with people who it's not going to make a difference for. [After a jail sentence], they come out and [commit the same crime] again. Whereas, if you nip it in the bud with a program like this, hopefully, it will make an impact on them.

- Brattleboro woman

The sentences will be more appropriate

I think [the reparative board] is a good idea because for something minor; even though it's a crime, it's not as serious as a lot of crimes are. Why ruin someone's future or their life or their family's life over something as insignificant as a shoplifting charge?

- Brattleboro man

The boards have more flexibility in terms of sentencing

I think the [idea of reparative boards] is good because it's a multifaceted approach; it gives you more options. If you don't have this program, you have a court system and you either get a fine or a [jail] sentence, and those are basically your options. With this, you can find other ways to solve the problem, or you can attack it with counseling and all the various options [the board members] have at their disposal.

- Brattleboro man

The boards strengthen the community

[Reparative boards] put more power back into the community. It has a [rehabilitative] benefit to the person committing the less offensive crime. It also has an impact on how the community reacts and interacts. The board is not only going to be responsible to the state, to the judge's sentence, and to the person who committed the crime, but they're also subjected to their peers and their decisions.

- Brattleboro woman

The boards may ease the courts' workload

[Nonviolent, property crimes] are the stuff that takes up time in the courts, which is why the courts are so backed up with all these little petty crimes. So if they give [such cases] to the boards, those things don't have to go to the courts to be decided on. It could be decided within the community by the community people.

- Brattleboro woman

The boards will be better for the victim

With these reparative boards . . . if you put this [offender] up in front of the board and he has to admit what he's done, explain how he did it, and accept the punishment, don't you think the victim would be better served? . . . I think it's great, a great alternative.

- Rutland man

The boards will have more time to work with each offender

It would be nice if the judge was able to sit down with this person — first, second, third, fourth-time offender — and find out where the guy is coming from, and be able to help him . . . It would be nice, but it can't be done by a judge. A judge can't take [the time]; he'd be there an hour or two hours, getting to know the person. [But] if there's 12, 13, or 15 people [on a reparative board] — they might have more time to get to know this person and find out what's going on, and what [kind of sanction] is going to work.

- St. Johnsbury man

The boards will replace a system that is not working

What we have has not worked. What we have is a disaster. If you wanted to create a violent, criminal society, all you have to do is keep on doing what we're doing now. It's so massive that we're approaching meltdown. How do you explain that 25 percent of black males go through the prison system at some time in their lives . . .? Whatever you call it, we've got something that doesn't work.

- Burlington woman

The most expensive waste of resources I know about is the prison system. You're wasting all the time [the inmates] are there . . . This is your only chance to [make sure that] when they come out they'll be a lot better than they were before they went in.

- Burlington woman

Vermonters were asked to assess four arguments against using reparative boards: 1) the average person is not qualified; 2) boards will be conned; 3) sentencing will be inconsistent; 4) a community-based sentence is too lenient. In each case, overwhelming majorities rejected the argument.

Table 38
Which Statement Comes Closer to Your Own View?

Is an Average Person Qualified to Determine the Sentence for Anyone?

<u>Statement</u>	<u>Total</u>
	%
(A) The average person is not qualified to determine the sentence for anyone OR	13
(B) With proper training, the average person is fully qualified to determine the sentence for nonviolent offenders	85

Will Reparative Board Members Be Fooled by Con Artists?

<u>Statement</u>	<u>Total</u>
	%
(A) The people on a community-based reparative board will be fooled by con artists who have no intention of changing OR	24
(B) The people on a community-based reparative board will be able to tell if an offender is sincere or not	70

Will Reparative Boards Be Consistent in Sentencing?

<u>Statement</u>	<u>Total</u>
	%
(A) Community-based reparative boards in different communities may unfairly give offenders who committed similar offenses very different sentences OR	10
(B) With proper guidance about what is fair, community-based reparative boards will make the punishment fit the crime	88

Will Reparative Boards Be Too Lenient?

<u>Statement</u>	<u>Total</u>
	%
(A) Community-based reparative boards are too lenient -- even nonviolent offenders should be sent to prison OR	19
(B) The sentences handed down by a community-based reparative board are more difficult than a brief stay in jail or prison	71

Quotes from the Focus Groups:

I had a kid I was taking care of go to a rep board. Those guys [on the board] were tough. When the kids go in and start talking, they have a very difficult time snowing [board members] because a lot of them were probably the worst, hell raising kids they ever thought of being. They're tough. For the kid I was taking care of, it worked out well.

- Rutland man

The whole jury system in this country is [based on the concept] of lay people getting together [and making a judgment].

- St. Johnsbury man

The concept of a group [like a rep board] is better than a judge because he is just one person. If the judge happens to know so-and-so, it's going to make him biased. Whereas the group can be more unbiased because it's just not one person's opinion.

- St. Johnsbury man

- * People in St. Johnsbury were concerned that the rep board's membership not be tilted or politically influenced, not in terms of Republican and Democrat but in terms of who's who in town. Board members, they said, should be a representative cross section of average people from the community.

Vermonters were asked to assess the importance of the various sentencing components a reparative board could require. With one exception (writing an essay about how an offense harmed the community), they said that each component was very important.

Table 39
Assessment of the Importance of Sentencing Components Available to Rep Boards

<u>Activity</u>	<u>Very Important</u> %	<u>Somewhat Important</u> %	<u>Not Very Important</u> %
Make restitution	93	7	--
Receive mandatory drug or alcohol treatment	91	7	2
Make the punishment fit the crime	81	14	3
Receive drug or alcohol testing	77	17	6
Attend anger management classes	73	22	4
Perform community service	72	24	4
Write a letter of apology	60	31	9
Meet with the victim	51	33	14
Write an essay on how the offense harmed the community	35	43	21

Question: I'll read you a list of things that a community-based reparative board might require a *carefully selected, nonviolent* offender to do. For each one, please tell me how important it is very important, somewhat important, or not very important.

Quotes from the Focus Groups:

Restitution

Making restitution to the people they hurt is an excellent idea.

- Rutland man

I like the idea of restoring the victims and making them whole.

- St. Johnsbury woman

First and foremost, have him pay back the money that he had taken.

- Burlington man

I think making restitution for the damage done to the victim is very important, whether it be through vandalism or bad checks.

- Burlington woman

Community service

It would be better if [offenders] did [community service that] fit what happened. [For example, the man who confronted a female cop] should have to do public service with, like battered women. But not work at a blood bank.

- Burlington woman

[Make the community service] something that fits the crime. I mean, if you're shoplifting, then go [work at] the Better Business Bureau where they'll tell you that the store had to hire ten more security guards, which raised the price of the CDs from eight to ten dollars.

- Burlington woman

If one town has a problem, there's quite a bit of junk [in each town] that needs to be cleaned up So maybe that would be appropriate.

- Rutland man

If there's something that the community needs, [like] a hole that can be filled by these [offenders], that's what they ought to do.

- Rutland woman

Doing research about how the crime harmed the community

I like the idea of doing research [about the effects of their shoplifting] because they might not know how stealing affects the price of things. Some people [especially young people] don't know that it drives the prices up; they don't understand that.

- St. Johnsbury woman

Writing a letter of apology

I think writing a letter [of apology] might help.

- Burlington woman

I got into trouble for being drunk and yelling at a policewoman who was hassling a friend . . . I swore at her and said some pretty degrading things. [As part of my sentence], I wrote her an apology letter saying I was sorry for the particular words I'd used . . . But I also wrote that I wasn't sorry for standing up to her . . . If it happened again, I would still confront her [but] I wouldn't use the same words.

- Burlington man

To a certain extent, you can use those letters [of apology] as a gauge. I mean, certain people are going to lie in the letters and say they're sorry, and they're not. But to the extent that you can read that honesty in these letters, it can gauge how effective that sentence [was].

- Burlington woman

I'd make [a shoplifter] go back to the store and apologize. That would be very hard for a person to [do] . . . It would be very embarrassing. And maybe have to do so many hours of worth of work [at the store], cleaning, shine the glass in the cases, something.

- Brattleboro woman

The role of the victim

The victim of the crime should have some say [about] to what extent the criminal was punished.

- Burlington man

A multi-faceted approach . . .

I would like the letter [of apology] plus the face-to-face [meeting with the victim], plus the research [on how the crime damaged the community], and some community service.

- Burlington woman

. . . without going overboard

I would hate to see somebody, especially a first offender, set up to fail. At the same time, I don't want the consequence to be so meaningless that they're going to do it again So I think [determining the appropriate sentence should take into account] a combination of things.

- Burlington woman

Readmitting offenders into society

In Rutland we have a situation where a group of merchants started a telephone tree to alert other merchants in the downtown area as to the presence of somebody they know to be a shoplifter That completely negates the idea of returning the individual to society. It's an immediate Scarlet-Letter kind of identification where you're branded, and who determines [for how long].

- Rutland man

What an offender must do to be readmitted to the community

He's got to prove that he has changed [into] a responsible citizen.

- St. Johnsbury woman

If they lose their place in society by being an offender, then they've only brought it on themselves. I believe that if they have done that, how can they be trusted? A serious offender can never be trusted again.

- Burlington woman

Being in Vermont, everything is a small community and it's the old gossip network that keeps things going The media plays [a role too]. You only have *The Rutland Herald* so when it's published, everybody knows [about an offender or an offense] In Connecticut where I grew up, you have one newspaper in one town and ten miles away you have another newspaper in another town. It just becomes one big melting pot of garbage [and so people are less likely to know about a particular offender]

- Rutland man

They should be readmitted [into the community] if they complete their contract with the rep board or diversion board That and doing what other community members do — don't steal, don't commit offenses, work, take care of your family. You do that long enough and then you become a community member again.

- Rutland man

[The change] has got to come from the inside He's got to show himself to the public in a different light.

- Rutland man

The guy can walk right out of prison and, as long as he keeps his nose clear, he gets a job, finds a nice girl, gets married and has a couple of kids, hey, that's a wonderful thing. But it's going to take time, it doesn't happen in an instant.

- Rutland man

The importance of a timely intervention

When I was a kid, I was a so-called hoodlum and all that I wanted to do was be the bad boy. I thought everyone thought I was cool. And then one lady asked to talk to me one day, and then she just kept on wanting to talk to me and finally I got the picture that what I was doing was wrong After talking to this person for a while, I just changed my mind and my ways of how I wanted to go about life. And since junior high, I've had a great life.

- St. Johnsbury man

Only 51 percent said that if they were a victim, they would likely attend a reparative board session where the offender was sentenced. In our interviews with board members and victims, we repeatedly heard that victims often do not attend board meetings. A variety of reasons were advanced, including that victims are reluctant to face the offender, or that victims do not have the time, or that the victim may be a corporation (e.g., a store where shoplifting occurred) that would have to send an employee who would be paid.

Table 40
Would People Attend Reparative Board Sessions if They Were Victims of Crime?

How likely would you be to come to a reparative board session?	Total %
Very likely	51
Somewhat likely	36
Not at all likely	11
Not sure/don't know	1

Question: When a nonviolent offender goes before a community-based reparative board, his victim is encouraged to attend to tell the offender about the impact of his offense. If you were the victim of a nonviolent offense, how likely would you be to come to such a session?

Quotes from the Focus Groups:

My house got totally robbed; they stole a zillion things. And [the police] caught [the robbers.] They contacted me and wanted to know if I wanted to talk to the kids, the juveniles. I thought about it and what could I say? I could just say, "I think you're an ass hole!" They locked my dog in the bathroom, they took my keys. They did a lot of horrible things. [If I met with them], I'd just get frustrated or more angry or something.

- Brattleboro man

Our house was broken into [by] juveniles. The court came back to me and said, "Let [the offenders] come and do some things around your house to pay you back." I said, "Not on your life. All they'll do is find what they missed." No way [do I want them to] set foot in my yard again.

- Rutland woman

While Vermonters like the fact that reparative boards are less expensive than prison, they *reject* the argument that reparative boards should be used because they are less expensive. That is, the idea of saving money is, for Vermonters, icing on the cake. To most Vermonters, the idea of saving money is *not*, in and of itself, a powerful argument for using a community-based sanction.

Table 41
How Important is Saving Money When it Comes to Reparative Boards?

Question: If you knew that community-based reparative boards were much less costly to taxpayers than prison, how would you feel about using them?

	<u>Total</u> %
Strongly favor	46
Somewhat favor	42
Somewhat oppose	6
Strongly oppose	3
	> 88%
	> 9%

Table 42
How Important is Saving Money When Deciding What to Do with Lawbreakers?

<u>Statement:</u>	<u>Total</u> %
We should use community-based reparative boards because sentencing offenders to community punishments is much less costly to taxpayers than prison, which costs the state about \$ 19,000/year	35
OR	
Saving money should be a very low priority when it comes to deciding what to do about lawbreakers	61
Not sure/don't know	4

Question: Which statement comes closer to your own view?

- A) We should use community-based reparative boards . . .
 OR
 B) Saving money should be a very low priority.

IX. Beliefs about the Furlough Program

A large number of Vermonters, 61 percent, are familiar with the furlough program. But in stark contrast to how they feel about diversion and reparative boards, Vermonters have, by a margin of 52 to 36 percent, a generally negative view of the furlough program.

Table 43
Percent of People Who Have Heard of the Furlough Program

<u>Question</u>	<u>Yes</u> %	<u>No</u> %	<u>NS/DK</u> %
Heard of furlough program?	61	37	2

Question: Have you heard of the furlough program?

Table 44
People's Overall Opinion of the Furlough Program
(Of Those Who Have Heard of the Furlough Program)

<u>Statement</u>	<u>Positive</u> %	<u>Negative</u> %	<u>NS/DK</u> %
Is your overall opinion of the furlough program positive or negative?	36	52	12

Question: Is your overall opinion of the furlough program positive or negative?

Quotes from the Focus Groups:

I don't believe in furloughing those people just because the jails are overcrowded. Ship them out [to jails in another state] and don't feel sorry for them because they gave up their freedom when they did the crime.

- Burlington woman

Not long ago, there was a guy who was [in prison] for manslaughter and he's on furlough or house arrest . . . What's a guy [convicted] of manslaughter doing on house arrest?

- Rutland man

Though they have a negative view about it, Vermonters overwhelmingly favor the *concept* of a furlough program to help offenders make a transition from prison back into society.

Table 45
Views About the Concept of a Furlough Program

Question: How do you feel about using the furlough program to help offenders make a smooth transition back into society?

	<u>Total</u> %
Strongly favor	39
Somewhat favor	42
Somewhat oppose	10
Strongly oppose	6
	> 81%
	> 16%

Question: As you may know, almost everyone who is sent to prison in Vermont will eventually be released. Therefore, the state has established a furlough program aimed at smoothing an offender's transition back into society. Inmates become eligible only after they have completed their minimum sentence. If approved, they must find and maintain employment, attend weekly therapy meetings, stay away from drugs and alcohol, and not get into trouble — all while under the supervision of a parole officer. How do you feel about using the furlough program to help offenders make a smooth transition back into society?

Quotes from the Focus Groups:

The idea of having them go through a transition makes a lot more sense than just giving them ten dollars and a new suit of clothes. You can't just turn them [on society] without supervision.

- Burlington woman

When they come out of jail [or prison], they [should have] an after care program [to see] if they're completely screwing up. Or a mentor, a mentoring program, a Big Brother or Big Sister -- someone who could open a few doors to help them.

- Rutland woman

There should be a stepping stone. You shouldn't just be plunged back into the community. It definitely should be a gradual transition.

- Rutland man

When asked what they want regarding a furlough program, Vermonters favor five ideas: 1) enough parole officers to keep track of offenders; 2) unscheduled drug tests; 3) make furloughees pay for their own housing; 4) notify the community about offenders, especially violent offenders, being located in it; 5) never put offenders on furlough just to save money.

Table 46
What People Want in Terms of the Furlough Program

Things Vermont might make sure of regarding <u>the furlough program</u> :	Strongly favor %	Somewhat favor %	Somewhat oppose %	Strongly oppose %
Make sure we have enough parole officers to keep track of offenders	86	11	2	1
	┌──────────┐		┌──────────┐	
	97%		3%	
Conduct random, unscheduled drug and alcohol tests on furloughed offenders	85	11	2	2
	┌──────────┐		┌──────────┐	
	96%		4%	
Require offenders on furlough to pay for their own housing costs	70	24	3	1
	┌──────────┐		┌──────────┐	
	94%		4%	
Inform the public about violent offenders on furlough in the neighborhood	71	19	6	3
	┌──────────┐		┌──────────┐	
	90%		9%	
Never furlough offenders just to save money or to ease overcrowding	79	8	4	8
	┌──────────┐		┌──────────┐	
	87%		12%	
Give out the name and address of the offender on furlough to people in the immediate community	58	24	11	6
	┌──────────┐		┌──────────┐	
	82%		17%	

X. What to Do with Convicted Offenders

Vermonters were given a list of cases and, in each case, asked whether the offender should be incarcerated or sentenced to a community-based, nonincarcerative punishment by a reparative board. Overwhelming majorities wanted to imprison a big-time drug dealer, a rapist, and an armed robber. Solid majorities of 60 percent wanted to incarcerate an armed burglar convicted for the second time and a small-time drug dealer with two prior convictions.

Table 47
When to Incarcerate an Offender

<u>Cases</u>	<u>Prison</u> %	<u>Reparative Board</u> %
A big-time drug dealer caught selling \$200,000 worth of heroin, third offense	98	2
A man who shoots and seriously wounds a clerk while robbing a liquor store	96	4
A rapist who stalks, violently rapes and permanently injures a woman he's never met	95	4
An <u>armed</u> man who breaks into an unoccupied store at night and steals some stereo equipment, second offense in five years	60	39
A small-time drug dealer who is caught selling \$50 worth of marijuana to an undercover police officer, third offense	60	39

Question: For each of the following cases, you be the judge. Tell me if each offender — let's assume he's a man — should be sent to prison or go before a community-based reparative board where he might be sentenced to some, or all, of the following: up to 50 hours of unpaid community service such as cutting brush; restitution or paying back the victim; writing a letter of apology to the victim; attending mandatory courses in, say, anger management, if appropriate; taking random drug or alcohol tests and completing mandatory treatment, if appropriate; and writing an essay on how his offense harmed the community.

Majorities, however, favored giving offenders a community-based sentence in a wide array of nonviolent cases, including an unarmed burglar with a prior conviction and a man with numerous shoplifting convictions. Moreover, in one case involving violence -- domestic violence, first offense -- a 70 percent majority did not want to incarcerate...

Table 48
When to Use Reparative Boards

<u>Cases</u>	<u>Reparative Board</u> %	<u>Prison</u> %
A 19-year-old who steals a car, first offense	90	9
A man who shoplifts, third offense in five years, but has a steady job and a family to support	75	23
A man who, after drinking heavily beats his wife who sustains no permanent injury, first offense	70	29
An <u>unarmed</u> man who breaks into an unoccupied store and steals some stereo equipment, second offense	65	34
A man who, over a six-year period, is convicted of five <u>nonviolent</u> property crimes such as writing bad checks and shoplifting	63	35
A man convicted of drunk driving, second offense in four years, but he has a steady job and a family to support	63	36
A middle-aged flasher, third offense	59	38
A 22-year old college student who sells \$10 worth of marijuana to an undercover police officer, third offense	56	43
A man convicted of drunk driving, second offense in four years	56	43
A drug user caught shoplifting to pay for his habit, third offense in five years, but he has a steady job and a family to support	51	47

Question: For each of the following cases, you be the judge. Tell me if each offender should be sent to prison or go before a community-based reparative board.

As in 1994, Vermonters overwhelmingly feel that, instead of going to jail for 30 days, a drunk driver should perform 30 days of community service and complete a rehabilitation program.

Table 49
What to Do with a Drunk Driver

<u>I would rather see a drunk driver:</u>	<u>Total</u> %
Spend 30 days in jail	21
Perform 30 days of community service and complete a rehabilitation program	74
Not sure/don't know	5

Question: Would you rather see a drunk driver spend 30 days in jail or do 30 days of unpaid community service-work such as cutting brush or picking up litter *and* successfully complete an alcohol rehabilitation program?

Table 50
What to Do with a Drunk Driver: 1999 v 1994

<u>I would rather see a drunk driver:</u>	<u>VT '99</u> %	<u>VT '94</u> %
Spend 30 days in jail	21	20
Perform 30 days of community service and complete a rehabilitation program	74	75
Not sure/don't know	5	5

Question: Would you rather see a drunk driver spend 30 days in jail or do 30 days of unpaid community service-work such as cutting brush or picking up litter *and* successfully complete an alcohol rehabilitation program?

As in 1994, Vermonters, in overwhelming numbers, would rather sentence an illegal drug user to 30 days of community service and a rehabilitation program than to 30 days in jail.

Table 51
What to Do with an Illegal Drug User Caught Shoplifting

<u>I would rather see an illegal drug user:</u>	<u>Total</u> %
Spend 30 days in jail	19
Perform 30 days of community service and complete a rehabilitation program	77
Not sure/don't know	4

Question: Would you rather see an illegal drug user caught shoplifting spend 30 days in jail or do 30 days of community service-work such as cutting brush or picking up litter *and* successfully complete a drug treatment program?

Table 52
What to Do with an Illegal Drug User Caught Shoplifting: 1999 v. 1994

<u>I would rather see an illegal drug user:</u>	<u>VT '99</u> %	<u>VT '94</u> %
Spend 30 days in jail	19	19
Perform 30 days of community service and complete a rehabilitation program	77	78
Not sure/don't know	4	3

Question: Would you rather see a drunk driver spend 30 days in jail or do 30 days of unpaid community service-work such as cutting brush or picking up litter *and* successfully complete an alcohol rehabilitation program?

XI. Expanding the Authority of the Reparative Boards

Vermonters favor the idea of expanding the responsibilities of the rep boards (or a comparably composed body and assuming proper training) to include three additional responsibilities: 1) make community notification decisions about sex offenders; 2) make community notification decisions about furlougees; 3) decide what to do with furloughed offenders. Moreover, they are *strongly* in favor of one change – having the boards make community notification decisions about sex offenders.

Table 53
Views on Using Reparative Boards to Decide What to Do with Furloughed Offenders

Assuming proper training, should VT expand responsibilities of rep boards to include:	Strongly favor %	Somewhat favor %	Somewhat oppose %	Strongly oppose %
Deciding whether to inform the community about sex offenders on furlough?	60	20	7	12
	┌──────────┐ 80%		┌──────────┐ 19%	
Deciding when to inform the community about offenders on furlough?	45	34	9	10
	┌──────────┐ 79%		┌──────────┐ 19%	
Deciding what to do with furloughed offenders?	43	38	9	8
	┌──────────┐ 81%		┌──────────┐ 17%	

Quotes from the Focus Groups:

Community notification about offenders on furlough

If you're talking about where you're putting people on furlough, if you want the community to buy into your reparative board program, [the board will] need to inform the community about what's going on You need to talk to these people. They need to know what's going on. Ignorance leads to fear, especially around here.

- Rutland woman

As shown in the summary table below, there is a dramatic difference in how Vermonters regard the three programs. Those who are familiar with diversion and the rep boards are overwhelmingly positive in terms of both. But a majority of those who are familiar with the furlough program have a negative view of it.

Table 54: Summary
How People Feel About Diversion, Reparative Boards and the Furlough Program

<u>Program</u>	<u>Familiar with</u> %	<u>Positive View of</u> %	<u>Favor Concept after</u> <u>Learning About</u> %
Diversion	61	76	83
Reparative boards	11	77	91
Furlough program	61	36	81

XII. Key Demographic Differences

Compared to nonvictims, crime victims have less confidence in virtually every aspect of the criminal justice system. However, they are just as supportive of using reparative boards as nonvictims.

Table 55
Overall Assessment of the Performance of the Criminal Justice System

	<u>Victims</u>	<u>Nonvictims</u>
	%	%
Many violent offenders are released early from prison	49	36
Police doing a good job	69	75
Judges doing a good job	44	54
Prosecutors doing a good job	40	53
criminal justice system doing a good job	35	48
Probation & parole doing a good job	26	39
Favor using reparative boards	94	91

Question: How would you rate the job being done by Vermont's _____ in an overall sense...excellent, good, only fair or poor?

Women are more likely than men to say that crime, violent crime, and illegal drug use are on the increase. They are also more likely to say that violent offenders are released from prison early merely to reduce overcrowding. Women are also more in favor of community notification about furloughees who committed a violent crime and in favor of giving community members the name and address of all offenders on furlough. But women are, if anything, even stronger supporters of reparative boards than men in that women tend to be more in favor of expanding the rep boards' responsibilities by having the boards decide what to do with furloughed offenders, and when to notify the community about offenders, including sex offenders, released on furlough.

Table 56
Key Demographic Differences

	<u>Female</u> %	<u>Male</u> %
Crime is increasing	53	42
Violent crime is increasing	49	42
Illegal drug use is increasing	50	42
Violent offenders are released from prison merely to reduce overcrowding	67	60
Communities should be notified about furloughees who commit a violent crime	95	85
Community members should be given the name and address of all offenders on furlough	87	77
<hr/>		
In favor of reparative boards	82	71
Favor having rep boards decide what to do with furloughed offenders	85	77
Favor letting rep boards decide when to notify community about offenders on furlough	82	77

XIII. The Correlation between Beliefs and Knowledge, and Support for Change

Vermonters with a correct perception of the state's crime rate have more confidence in the entire criminal justice system than do those with an incorrect view.¹

Implication: Increasing the public's knowledge of the crime rate will increase public confidence in the criminal justice system.

Table 57
Level of Confidence in the Criminal Justice System:
Comparison between Vermonters with a Correct/Incorrect View of the Crime Rate

Percent Saying Branch of CJS Doing an Excellent/Good Job

Branch of the CJS	Correct Perception of Crime Rate* %	Incorrect Perception of Crime Rate** %	Net %
Police	80	71	-9
Juries	79	73	-6
Judges	59	49	-10
Prosecutors	58	44	-14
CJS as a whole	53	40	-13
Jails and Prisons	50	40	-10
Probation and Parole	42	33	-9

Q: "Compared to five years ago, would you say crime in Vermont is increasing, decreasing, or about the same as it was?"

* N = 289 or 48 percent of sample of 601. "Correct" perception defined as those saying that compared to five years ago, crime in Vermont is either decreasing or is the same as it was.

** N = 273 or 45 percent of sample of 601. "Incorrect" perception defined as those saying that compared to five years ago, crime in Vermont is increasing.

¹ FBI Uniform Crime Report data show that index crime rates have been decreasing in Vermont for two decades. Part I violent crimes (murder, rape, aggravated assault, and robbery) have dropped from 179 per 100,000 citizens in 1980 to 106 per 100,000 in 1998. Part I property crime rates have also declined since they reached a peak of approximately 5,000 per 100,000 in 1979, to approximately 3,000 per 100,000 in 1998.

Vermonters who incorrectly believe that many violent offenders are released early because of prison overcrowding have much less confidence in the CJS than do those with a correct view.²

Implication: Public confidence in the criminal justice system will increase if people learn that violent offenders are almost never released early because of overcrowding

Table 58
Level of Confidence in Criminal Justice System:
Comparison between Vermonters with a Correct/Incorrect View about the Effects of
Prison Overcrowding

Percent Saying Branch of CJS Doing an Excellent/Good Job

Branch of the CJS	Correct	Incorrect	Net
	Perception about Effects of Overcrowding*	Perception about Effects of Overcrowding**	
	%	%	%
Juries	79	74	-5
Police	77	73	-4
Judges	59	47	-12
CJS as a whole	58	37	-21
Prosecutors	57	45	-12
Jails and prisons	51	40	-11
Probation and parole	42	33	-9

Q: Agree or Disagree: "Because of prison overcrowding, many offenders who committed a violent crime using a gun or a knife are being released early before serving their complete sentence."

* N = 140 or 23 percent of sample. Correct perception defined as those who "strongly disagree" or "somewhat disagree" that "because of prison overcrowding, many offenders who committed a violent crime using a gun or a knife are being released early before serving their complete sentence."

** N = 223 or 37 percent of sample. Incorrect perception defined as those who "strongly agree" that "because of prison overcrowding, many offenders who committed a violent crime using a gun or a knife are being released early before serving their complete sentence."

² Data available from the Vermont DOC do not allow for distinguishing between offenders who were convicted of FBI Part 1 violent crimes using a knife or gun from those who did not – nor do they indicate the degree to which any offenders are released early due to overcrowding. The data do show, however, that early release of violent offenders is on the decline in Vermont and that violent offenders are serving longer terms of incarceration. In 1993 those sentenced for FBI Part 1 violent crimes served an average of 29 months, having been released after serving – on average – just 29% of the maximum term imposed by the court. By 1998, these offenders were serving an average of 76 months, released – on average – after serving 59% of the maximum term.

Vermonters who correctly believe that violent offenders almost always go to prison upon conviction have far more confidence in the CJS than do those with an incorrect view.³

Implication: Public confidence in the criminal justice system will increase if people know that violent offenders almost always go to prison upon conviction.

Table 59
Level of Confidence in Criminal Justice System:
Comparison between Vermonters with a Correct/Incorrect View about
Whether Violent Offenders Are Typically Incarcerated Upon Conviction

Percent Saying Branch of CJS Doing an Excellent/Good Job

Branch of CJS	Correct View about What Happens to Violent Offenders*	Incorrect View about What Happens to Violent Offenders**	Net %
	%	%	
Police	79	72	-7
Juries	75	71	-4
CJS as a whole	64	33	-31
Judges	61	42	-19
Prosecutors	61	40	-21
Jails and Prisons	54	36	-18
Probation and Parole	47	29	-18

Q: "In Vermont today, how often do you think anyone convicted of a violent crime using a gun or a knife is in fact sent to prison? Every single time, without exception/Almost all the time, almost no exceptions/Most of the time, depending on the circumstances/About half the time, depending on the circumstances/Less than half the time?"

*N = 89, 15 percent of sample of 601. Correct perception defined as those saying that anyone convicted of a violent crime using a gun or knife is sent to prison "every single time, without exception" or "almost all the time, almost no exceptions."

** N = 256 or 43 percent of sample of 601. Incorrect perception defined as those saying anyone convicted of a violent crime using a gun or knife is sent to prison "about half the time, depending on the circumstances" or "less than half the time."

³ Data available from the Vermont DOC do not allow for distinguishing between offenders who were convicted of FBI Part 1 violent crimes using a knife or gun from those who did not. Of those convicted of a violent crime, about three-quarters are sentenced to a term of incarceration. In constructing this table, it was assumed that those convicted for violence involving weapons have a high probability of incarceration. In our interviews with 15 judges, state's attorneys and public defenders, the consensus was that such an offender would definitely be sent to prison and would almost certainly serve a sentence of at least 15 years.

Vermonters who correctly believe that violent rapists almost always go to prison upon conviction have much more confidence in the CJS, and especially in judges, than do those with an incorrect view.⁴

Implication: Public confidence in the CJS, and especially confidence in judges, will increase if people know that violent rapists are almost always incarcerated upon conviction.

Table 60
Level of Confidence in Criminal Justice System:
Comparison between Vermonters with a Correct/Incorrect View about
Whether Rapists Are Typically Incarcerated upon Conviction

Percent Saying Branch of CJS Doing an Excellent/Good Job

Branch of CJS	Correct View about What Happens to Violent Rapists*	Incorrect View About What Happens to Violent Rapists**	Net %
	%	%	
Juries	79	73	-6
Police	79	71	-8
Judges	66	37	-29
Prosecutors	60	37	-23
CJS as a whole	55	34	-21
Jails and prisons	50	41	-9
Probation and parole	49	31	-18

Q: "In Vermont today, how often do you think anyone convicted of violently raping a woman at knifepoint is in fact sent to prison? Every single time, without exception/Almost all the time, almost no exceptions/Most of the time, depending on the circumstances/About half the time, depending on the circumstances/Less than half the time?"

* N = 163 or 27 percent of sample of 601. Correct perception defined as those saying that anyone convicted of violently raping a woman at knifepoint is sent to prison "every single time, without exception" or "almost all the time, almost no exceptions."

** N = 182 or 30 percent of sample of 601. Incorrect perception defined as those saying anyone convicted of violently raping a woman at knifepoint is sent to prison "about half the time, depending on the circumstances" or "less than half the time."

⁴ Data available from the Vermont DOC do not allow for distinguishing between offenders who were convicted of rape using a knife from those who did not. Of all those convicted of a sex crime, about three-fifths are sentenced to a term of incarceration. In constructing this table, it was assumed that those convicted for rape at knifepoint have a high probability of incarceration.

Support for using reparative boards does not depend on whether Vermonters have an accurate view of the crime rate. Those with an incorrect view support rep boards to the same extent as those with a correct understanding.

Implication: Public support for using rep boards does NOT depend on a correct assessment of the crime rate. Therefore, educational efforts designed to increase public understanding on this point will NOT significantly affect public support for using rep boards.

Table 61
Support for Using Reparative Boards:
Support for Rep Boards among those with a Correct/Incorrect View of the Crime Rate

Beliefs about Crime	Strongly/Somewhat Favor Using Rep Boards %	Strongly Favor Rep Boards %
Correct view about crime rate*	89	48
Incorrect view about crime rate**	93	47
Correct view of illegal drug use rate*	92	49
Incorrect view of illegal drug use rate**	92	47
Correct view of violent crime rate*	91	47
Incorrect view of violent crime rate**	92	48

Q: "How do you feel about using community-based reparative boards made up of average people to determine and supervise the unpaid work and other activities of carefully selected nonviolent offenders instead of sending them to prison?" Strongly favor, somewhat favor, somewhat oppose, strongly oppose

* A "correct" perception defined as those saying that compared to five years ago, crime/illegal drug use/violent crime in Vermont is either decreasing or is the same as it was.

** An "incorrect" perception is defined as those saying that compared to five years ago, crime/illegal drug use/violent crime in Vermont is increasing.

Support for using reparative boards does not depend on whether Vermonters have a correct view about the effects of overcrowding.

Implication: Increasing public understanding about the impact of overcrowding will NOT significantly affect public support for using reparative boards.

Table 62
Support for Using Rep Boards:
Support for Rep Boards among Those with a Correct/Incorrect
View about the Effects of Prison Overcrowding

Whether Many Violent Offenders Released Early Due to Overcrowding	Strongly/Somewhat Favor Using Rep Boards %	Strongly Favor %
Correct view* (Strongly or somewhat disagree that many violent offenders are released early due to overcrowding)	89	49
Incorrect view** (Strongly agree that many violent offenders are released early due to overcrowding)	93	46

Q. Agree or Disagree: "Because of prison overcrowding, many offenders who committed a violent crime using a gun or a knife are being released early before serving their complete sentence?"

* N = 140 or 23 percent of sample. Correct perception defined as those who "strongly disagree" or "somewhat disagree" that "because of prison overcrowding, many offenders who committed a violent crime using a gun or a knife are being released early before serving their complete sentence."

** N = 223 or 37 percent of sample. Incorrect perception defined as those who "strongly agree" that "because of prison overcrowding, many offenders who committed a violent crime using a gun or a knife are being released early before serving their complete sentence."

Support for using rep boards does not depend on whether Vermonters correctly know that most violent offenders are, upon conviction, sent to prison.

Implication: Increasing public understanding about what happens to convicted rapists will NOT significantly increase support for using reparative boards.

Table 63
Support for Using Rep Boards:
Comparison between Vermonters with a Correct/Incorrect View about
Whether Violent Offenders Are Typically Incarcerated Upon Conviction

Whether Those Convicted of a Crime Using a Gun or Knife Always/Almost Always Go to Prison	Strongly/Somewhat Favor Using Rep Boards %	Strongly Favor %
Correct view* (Strongly or somewhat agree that those convicted of a crime using a gun or a knife always/almost always go to prison)	92	47
Incorrect view** (Believe that those convicted of a crime using a gun or a knife go to prison half the time or less)	90	47

Q: "In Vermont today, how often do you think anyone convicted of a violent crime using a gun or a knife is in fact sent to prison? Every single time, without exception/Almost all the time, almost no exceptions/Most of the time, depending on the circumstances/About half the time, depending on the circumstances/Less than half the time?"

*N = 89 or 15 percent of sample of 601. Correct perception defined as those saying that anyone convicted of a violent crime using a gun or a knife is sent to prison "every single time, without exception" or "almost all the time, almost no exceptions."

** N = 256 or 43 percent of sample of 601. Incorrect perception defined as those saying that anyone convicted of a violent crime using a gun or a knife is sent to prison "about half the time, depending on the circumstances/," or "less than half the time."

Support for using rep boards does not depend on whether Vermonters correctly know that most violent rapists are, upon conviction, sent to prison.

Implication: Increasing public understanding about what happens to convicted rapists will NOT significantly increase support for using reparative boards.

Table 64
Level of Confidence in Criminal Justice System:
Comparison between Vermonters with a Correct/Incorrect View about
Whether Rapists Are Typically Incarcerated upon Conviction

Whether those Convicted Of Violent Rape at Knifepoint Always/Almost Always Go to Prison	Strongly/Somewhat Favor Using Rep Boards	Strongly Favor
	%	%
Correct view* (Strongly or somewhat agree that those convicted of violent rape at knifepoint always/almost always go to prison)	92	49
Incorrect view** (Believe that those convicted of violent rape at knifepoint go to prison half the time or less)	89	48

Q: "In Vermont today, how often do you think anyone convicted of violently raping a woman at knifepoint is in fact sent to prison? Every single time, without exception/Almost all the time, almost no exceptions/Most of the time, depending on the circumstances/About half the time, depending on the circumstances/Less than half the time"

* N = 163 or 27 percent of sample of 601. Correct perception defined as those saying anyone convicted of violently raping a woman at knifepoint is sent to prison "every single time, without exception" or "almost all the time, almost no exceptions."

** N = 182 or 30 percent of sample of 601. Incorrect perception defined as those saying anyone convicted of violently raping a woman at knifepoint is sent to prison "about half the time, depending on the circumstances" or "less than half the time."

Support for using reparative boards does not vary depending on how much confidence Vermonters have in the criminal justice system.

Implication: Public support for using of rep boards does NOT depend on high degrees of public confidence in the CJS. Therefore, efforts designed to increase public confidence in the CJS will NOT significantly affect public support for the use of rep boards.

Table 65
Support for Using Reparative Boards:
Support for Rep Boards among Those with High/Low Levels of Confidence in CJS

Segment of CJS	Level of Confidence	Strongly/Somewhat	Strongly Favor
		Favor Rep Boards	Rep Boards
		%	%
Juries	High confidence	93	49
	Low confidence	87	44
CJS as a whole	High confidence	92	45
	Low confidence	92	49
Probation & parole	High confidence	92	49
	Low confidence	91	46
Police	High confidence	92	47
	Low confidence	91	47
Prosecutors	High confidence	92	46
	Low confidence	90	47
Jails and prisons	High confidence	92	47
	Low confidence	90	49
Judges	High confidence	92	49
	Low confidence	90	44

Q: "How do you feel about using community-based reparative boards made up of average people to determine and supervise the unpaid work and other activities of carefully selected nonviolent offenders instead of sending them to prison?" Strongly favor, somewhat favor, somewhat oppose, strongly oppose.

"High" confidence is defined as those who say the segment is doing an excellent or good job.

"Low" confidence is defined as those who say the segment is doing only a fair or a poor job.

Recent crime victims, i.e., respondents saying someone in their immediate family was a crime victim within the past three years, are somewhat less well informed about the CJS than are non-victims. In particular, victims are more likely to have incorrect views about the impact of overcrowding and what happens to a violent rapist upon conviction (with 40 percent of victims saying such offenders are incarcerated no more than half the time).

Implication: We had hypothesized that victims might be better informed because of recent contact with the police and other components of the CJS. But that is not the case.

Table 66
Level of Understanding of CJS: Crime Victims Compared to Non-victims

Area of Misunderstanding	Crime Victims* %	Non-victims %
Crime Rate: Incorrect Perception	53	47
Violent Crime Rate: Incorrect Perception	46	46
Rate or Illegal Drug Use: Incorrect Perception	51	45
Effects of Prison Overcrowding: Incorrect Perception	49	36
Disposition of Convicted Violent Offenders: Incorrect Perception	47	42
Disposition of Convicted Rapists: Incorrect Perception	40	29

*Question: Has anyone in your household been the victim of a crime within the past three years? Was it a violent or nonviolent crime? Yes, someone in household has been a victim of crime=13 percent; Violent crime victims = 4 percent

Recent crime victims have less confidence in the CJS than do non-victims. But despite being slightly less well informed (see Table 10) and having less confidence in the CJS, victims are just as supportive of using rep boards as are non-victims.

Implication: Crime victims will be solid supporters of using rep boards and outreach efforts to them will enhance public support and credibility.

Table 67
Level of Confidence in CJS: Crime Victims Compared to Non-Victims

Percent Saying Branch of CJS Doing an Excellent/Good Job

Branch of CJS	Non-victims %	Crime Victims %	Net %
Juries	76	71	-5
Police	75	69	-6
Judges	54	44	-10
Prosecutors	53	40	-13
CJS as a whole	48	35	-13
Jails and prisons	45	40	-5
Probation and parole	39	26	-13

Table 68
Support for Reporative Boards among Crime Victims

Support Rep Boards	Non-victims %	Crime Victims %	Net %
Strongly/somewhat	91	94	+3
(Strongly)	(47)	(46)	-1

Q: "How would you rate the job being done by Vermont's _____? Excellent, good, only fair, or poor?"

XIV. Analytic Summary of Interviews with 15 Judges, State's Attorneys, and Public Defenders

1. The judges, public defenders, and state's attorneys often had different views about the value of reparative boards, with the first two groups expressing general approval while the state's attorneys expressed, at most, qualified approval and, sometimes, rather negative views. Importantly, none of the 15 had much direct experience with the boards or contact with board members.

The Five Judges

A. Direct Experience: The five judges had almost no direct experience with the rep boards.

- Hardly any judges had attended a board meeting.
- The judges said they do not unilaterally decide who gets sent to the reparative boards; rather, they usually follow the request for reparative probation made by a state's attorney.
- The judges said they do not follow what happens to offenders after they have left the courtroom, and so their knowledge about outcomes is naturally limited.

B. Overall Impressions: From what they know, the judges expressed positive sentiments about reparative probation and the rep boards. "I don't have any quarrels with [the concept]," one judge said, a sentiment generally echoed by the others. Another judge said the rep boards are a "very creative" idea. A third said:

Now [that the boards exist] I have somewhere to send offenders convicted of minor crimes like disorderly conduct, vandalism or shoplifting, or perhaps a case where restitution might be an issue. I like having that option.

C. Specific Remarks:

1) The Capability of Board Members: In general, the judges were confident that average citizens are capable of meting out appropriate sanctions for low-risk offenders. One said:

These kinds of decisions are easily made by lay people. I'm not using my legal expertise when I assign sanctions for these types of cases. I'm simply using my common sense.

2) Expanding the Responsibilities of the Boards: Most judges said the board should deal only with nonviolent, less serious offenders. But one suggested that the responsibilities of the boards might be expanded to include more serious offenses, saying, "Reparative probation adds soberness and realism to the crime, and may be even good for jaded or career offenders."

The Five Public Defenders

- A. **Direct Experience:** Like the judges, the five public defenders had little direct experience with the boards and had little contact with board members.
- B. **Overall Impressions:** Most of the public defenders viewed the program positively. Their concerns centered on their clients' treatment by the board, not around the program *per se*.
- C. **Specific Remarks:**

- 1) **Difficult to Predict Outcome of Board Sessions:** Some public defenders said they hesitated to refer clients to the boards because they were not certain what sentence the board would impose. One said:

With regular probation, you know what to expect, and you only deal with one person. Reparative [board's sentences] are more onerous than regular probation. The offenders must open themselves up to a bunch of strangers who ask tough questions. You never know what they'll do to you.

Another public defender expressed a similar sentiment:

So far, I'm happy with how [the rep boards are] run. If Johnny breaks six windows, I have a sense of what he'll get. But I'm never sure, of course.

- 2) **The Board's Sentences Are Difficult to Serve:** Some public defenders said sentences handed down by the boards were quite difficult for the clients to serve. One said:

Fifty hours of community service [can be a lot], especially in light of the level of income my clients are generally at. It interferes with their jobs.

Another said:

The boards shouldn't be a collection agent. Restitution only makes sense if offenders can pay it. [And this is often difficult for my clients].

- 3) **Prosecutors Add Sanctions to What a Rep Board Decides:** A third point was that state's attorneys sometimes want a more onerous sanction than the sentence handed down by the board. One public defender said:

State's attorneys think [my clients] get off too easily [when a board imposes a sentence]. For instance, state's attorneys will often add work crew [on top of what a board gives]. The rep board's sanctions are enough.

The Five State's Attorneys

- A. Direct Experience:** Like the judges and public defenders, the five state's attorneys had almost no direct experience with the reparative boards or contact with board members.
- B. Overall Impressions:** By and large, the state's attorneys said they did not oppose the *concept* of restorative justice and the reparative boards. But when it comes to reparative probation itself, state's attorneys tended to fall into one of two camps: those who think the program is generally a step in the right direction but needs to gain its sea legs; and those who had a generally negative view.
- C. Specific Remarks:** The state's attorneys who expressed discontent with the program had seven complaints: 1) the idea has not gelled administratively; 2) the rep boards have no "carrot" or incentive to make offenders complete their sentence; 3) the sentences are not onerous enough; 4) restitution is not always the top priority as it should be; 5) the process is designed to be victim-centered, but most victims don't want to attend a face-to-face meeting with an offender; 6) the program has failed to engage the community; and 7) these perceived weaknesses discourage them from sending cases to the board.

- 1) The Idea Has Not Gelled:** Two of the five state's attorneys said the program has not yet come together administratively. One said:

They're still feeling their way along. The programs don't seem to have [enough] guidance from DOC. There is a place for [reparative boards], but I don't know if [the idea] is being implemented properly.

Another said:

The problem lies with DOC's handling of the program. I feel it's still in a state of flux. There's an overall failure to define a clear goal and that makes it difficult for a prosecutor, defense attorney and the judge. The right hand doesn't know what the left hand is doing.

- 2) The Boards Lack a Carrot:** A second concern expressed by one state's attorney is that the rep boards do not have enough of a carrot or incentive to make offenders complete their sentence.

They sold the program to us as "diversion with a conviction." But diversion has a carrot: offenders avoid conviction [and can get their record expunged]. But with reparative, there's no carrot. They're already convicted. [And so offenders have no incentive to complete their sentence.]

- 3) **The Program Is too Soft:** A third concern was that the sentences imposed by rep boards are not onerous enough. One state's attorney said:

The board thinks 50 hours of community service is a lot. We state's attorneys don't agree. It's not uncommon for us to give 100 hours of community service to someone. [The rep boards should be able to require more hours of community service.]

Another state's attorney said:

I see stuff coming out of the boards that [I think is of little value]. They tell me, "Look at this letter of apology the defendant wrote." There are lots of con artists out there. An apology from them doesn't spell a success story [as far as I'm concerned].

- 4) **Restitution Is Not the Top Priority as It Should Be:** One state's attorney said:

Determining and collecting restitution should be [the rep board's highest] priority. Restitution is, after all, something that's truly restorative. Taking [collecting restitution] out of the court's hands and having reparative boards do it, estimating the cost of the damage and so on would be good. But [DOC] has resisted this. It's a workload issue for them.

- 5) **Victims Do Not Participate:** One state's attorney complained that while the idea is supposed to be restorative, victims do not participate:

[In my county] we've always treated victims compassionately, long before it was fashionable to do this. I don't think having a reparative board helps victims get more out of the system. In fact, not too many victims attend reparative board sessions.

- 6) **The Idea Has Not Engaged the Community:** One state's attorney said that the rep boards have not really involved new people from the community:

DOC had to go out and recruit people. Most of those who signed up had been on the diversion board. But since the [rep] board began, there has been little turnover. There's been no response from the community. I think as the program continues on, the board will turn into a group of semi-professionals.

- 7) **Low Referral Rates:** Several of the five state's attorneys said that, taken together, their concerns discourage them from referring any but the most minor crimes to the rep board. One said, "Frankly, it's difficult to find cases to send to the board."

At the same time, other state's attorneys interviewed for the project had more positive views, saying: 1.) The program is good because it provides at least *some* supervision of low-level offenders who would normally not be supervised; 2.) Reparative probation fills a void between diversion and traditional probation; and 3.) The program is worthwhile as a concept and so they are willing to work around what they see as the program's weak spots.

1. A Way for low-level Offenders to Get Supervision: One state's attorney said:

Prosecutors are often frustrated that low-level offenders don't get supervised [at all and] so we like reparative boards.

2. It Fills the Void: One state's attorney said:

We need to have graduated sanctions for low level offenders. Reparative probation fills the spot between diversion and traditional probation.

3. Willing to Work around Perceived Weaknesses: One state's attorney said:

Reparative boards can't assign more than 50 hours of community service. But if we feel an offender should get more hours, we simply impose more service on top of that.

2. While judges, public defenders and state's attorneys have few qualms about using rep boards for low level offenders, almost all of the 15, and especially the state's attorneys, were hesitant to expand the responsibilities of the boards to deal with more serious cases such as domestic violence. Most thought that more serious cases should be left to professionals, not to volunteers who have no expertise or training.

We asked the 15 experts whether the responsibilities of the rep boards should be expanded to handle more serious cases such as domestic violence. In general, the 15 were opposed to giving the boards more responsibility, saying the boards were composed of volunteers who lack training and expertise. A public defender said:

Board members are not trained probation officers. They would certainly need training if the program were to expand into more serious cases.

Another public defender said:

Board members would need training, in my opinion [before they could deal with more serious cases]. We would also need to raise their comfort level before introducing cases such as domestic violence into the picture.

A judge said:

I'm not sure if we should expand the use of the boards to include domestic assault. Dealing with these types of cases requires training.

Another judge said:

I oppose expanding the reparative boards to include more serious crimes. It is simply not appropriate [since board members aren't trained professionals].

Another reason why some opposed allowing the boards to handle cases of domestic violence involved the limits on the sanction a board can impose. A public defender said:

Incarcerating minor offenders is not necessary [in my opinion], and so I like the [concept of the] boards. But I do believe that with crimes such as [domestic violence which is] aggravated assault, we need something [more punitive].

3. In general, the 15 judges, public defenders and state's attorneys did not want to give the rep boards the responsibility of deciding how and when to notify people about furloughees or sex offenders who are being put into the community.

We asked whether the rep boards should make decisions about how and when to notify people about furloughees and sex offenders who were being put into the community. The judges, state's attorneys, and public defenders generally felt that the boards should not take on such a charge. One state's attorney questioned whether volunteers would have the requisite training:

What criteria would they use? How would they make good decisions without expertise or training?

Another agreed, saying:

Reparative board members are non-professionals. Furloughees are convicted felons. Reparative boards should not have anything to do with them.

A third state's attorney brought up the issue of liability:

The idea of letting reparative boards [make decisions about how and when to] notify communities about furloughed offenders [is not a good idea]. Liability is a big issue. I don't think volunteers would like being held responsible if something terrible happened.

The 15 had not reached consensus about the benefits of sex offender community notification, much less whether rep boards should be given the responsibility to make that decision. Some of the public defenders were opposed to the whole idea. And several state's attorneys said the process should be automatic. Speaking for several colleagues, one state's attorney said:

I don't understand why the decision to notify is a big deal. I don't see why correction officials don't notify the community automatically. Why should this be up to the boards?

4. The diversion program is extremely popular with the judges, public defenders, and the state's attorneys.

The experts cited four reasons why the diversion program is more effective than rep boards:

<u>Diversion</u>	vs.	<u>Reparative Boards</u>
<ul style="list-style-type: none">• More likely to be successful because it has a hammer: the threat of conviction		<ul style="list-style-type: none">• Offenders have no real incentive to complete their sentence because they're already convicted
<ul style="list-style-type: none">• There is no limit on how long an offender must stay in the program; offenders can be assigned to a treatment program lasting several months if necessary		<ul style="list-style-type: none">• Offender's time is limited to 90 days. Can't do much for offenders that require treatment
<ul style="list-style-type: none">• Success rate high because offenders are young, first-time offenders who are easier to rehabilitate		<ul style="list-style-type: none">• Success rate not as high because rep boards are more apt to get repeat offenders and "bad seeds"
<ul style="list-style-type: none">• Has been around longer and has a good track record		<ul style="list-style-type: none">• Has not been around long enough; does not have a clear sense of direction

5. The 15 were divided about the furlough program, with many expressing general approval, while others – mostly state’s attorneys – offering less positive views.

While generally mindful of the pressures of overcrowding, some of the 15 nevertheless expressed sharp disapproval about the furlough program, saying some of the offenders placed on furlough are inappropriate for release. A judge said:

Nobody has a say on who gets to go on furlough, not even the courts. I sent a guy to work camp for six months. About three weeks later, DOC furloughed him. He never set foot at the camp, and I had no influence over that decision.

A state’s attorney said:

Public defenders may not care when someone is furloughed, but judges are surprised when people they put away are furloughed a week later. I think DOC is playing Russian Roulette.

Another state’s attorney said:

If someone’s escaped twice and they keep putting them on furlough, that’s not right. I understand that there is an overcrowding problem. But you shake your head at some of the people out on furlough.

A third state’s attorney said:

I think some people shouldn’t get furloughed. I agree there’s a necessity, but we need to be more careful when crafting a policy. For example, habitual offenders shouldn’t get furloughed.

There is not enough supervision for furlougees, some experts said. A state’s attorney said there are no sanctions imposed on those who violate the conditions of their furlough:

Furlough’s a big joke. Nothing happens to them if they go where they’re not supposed to. Sometimes dangerous people have been put on furlough and then they escape.

A judge said the state does not have enough probation officers:

I don’t think supervision is adequate. The issue is not that probation officers are incompetent, but that there are too few of them.

At the same time, a number of the 15 experts had a generally positive view of the furlough program, with some saying the Department of Corrections is being overly criticized when in fact it is doing a good job. A public defender said:

I feel that DOC has become extra sensitive about who they let out on furlough. I think they can probably let out more offenders on furlough, but public reaction causes them to make their standards too stringent.

A judge echoed that sentiment:

I believe DOC is doing as careful a job as they can. They see to it that only offenders who've been compliant in jail can earn the right to furlough. But unfortunately, [because of a few incidents where offenders have violated their furlough], the public has been anti-furlough.

Some felt that DOC is being held to standards that are impossibly high. One judge said:

There's no such thing as a perfect record. No one can guess who will reoffend and who won't. So we can't hold DOC to these impossible standards.

Another judge said:

I don't kid myself saying the judiciary does a better job than DOC. It's true that there was a case of a man who shook a baby to death and was let out on furlough, even though his wife thought he should stay in jail. But it could just as easily have been the judge's decision not to put someone like this in jail.

Finally, a public defender said that furlough is absolutely necessary to help inmates make a smooth transition into the community:

Furlough is an absolute necessity. We need a shot at desensitizing people before they're released. I don't think it's good to give these people a simple pat on the back and a bus ticket.

6. Nearly all of the 15 experts said that Vermont's crime rate is *not* going down. While some said it had remained steady, others said that their caseload showed that crime was increasing, despite what official statistics may say.

We asked the 15 experts whether they agreed with the official statistics that crime in Vermont had been decreasing in the past few years. Nearly all of the 15 judges, public defenders, and state's attorneys said that in their opinion, crime in the state has not been going down. Moreover, a number of them said crime was increasing. When asked to reconcile their view with the official statistics, they offered a number of possible explanations.

Some said that a low crime *rate* does not mean less crime. Because the state's population has recently been increasing, several experts said that while the rate might be going down, the absolute number of crimes remains the same, and may even have increased in some areas.

A second explanation offered by some is that crimes that were often not reported in the past, such as domestic violence and sex offenses, are being dealt with by the system. Therefore, they suggested the rate might be going down while the number of crimes being adjudicated is increasing.

7. When asked what changes they would like to see in the criminal justice system, a number of experts spontaneously called for hiring more probation officers and parole officers and stepping up the level of supervision on furloughees and probationers.

When time permitted, we asked the experts, in an open-ended fashion, what changes they would like to see in the criminal justice system. The most frequent response was a call for more probation and parole officers. One judge said:

I would like to see DOC go to the state legislature and say, "We need more officers to beef up our existing probation program." Lack of supervision is a big problem.

A state's attorney said:

The word on the street is that probation is a joke. Corrections is getting weak with their probation. They need to set up more supervision.

Another judge said:

I'm glad that reparative probation is there. It should be used more often. But without supervision, we're cheapening the currency.

XV. Conclusions and Implications

Below, we address three main questions related to possible policy implications for criminal justice system officials in Vermont, for the future of restorative justice, and for criminal justice system reform:

1. Since so few Vermonters are familiar with the reparative boards, how can we increase the boards' visibility? Should we try to do so?
 2. How can we correct the disconnect between public opinion and criminal justice system reality?
 3. If the public is unhappy with the criminal justice system, but is also seriously misinformed about it, then are reforms of systems operations an appropriate response?
1. Since so few Vermonters are familiar with the reparative boards, how can we increase the boards' visibility? Should we try to do so?

We begin by addressing the second question: Officials in the State of Vermont DOC would benefit from working to increase the visibility of the rep boards.

Those who know about the boards have a positive view of them by a margin of 11 to 1 (77 percent to 11 percent). Our findings suggest that as people learn about the reform, they will enthusiastically support the idea. Even after considering arguments against the use of rep boards, including that sentences may be too lenient, Vermonters overwhelmingly favor the reform.

Public support for the idea, therefore, is both broad and deep. Our findings suggest that Vermonters' views about rep boards represent their "worked-through, considered judgments," not their top-of-the-head opinions,¹ which are based on first impressions, an incomplete understanding, and, as such, are volatile and easily changed.

Corroborative evidence comes from public opinion about Vermont's long-standing diversion program in which selected first offenders are, instead of being incarcerated, sent before a group of citizen-volunteers who determine and oversee a community-based sanction. The diversion program is widely known, with 61 percent saying they are familiar with it compared to 10 percent for rep boards. Moreover, public support for the diversion program among those who are familiar with it is overwhelming, with 76 percent expressing a positive view and only 13 percent voicing a negative opinion.

We would expect a similar pattern to evolve, as Vermonters become more familiar with the rep boards. As rep boards become more visible and as more and more citizens get involved as board member, victims, or even as offenders, etc., all indications are that Vermonters will

¹ In *Coming to Public Judgment*, social scientist, Daniel Yankelovich, extensively describes the difference between people's top-of-the-head opinions and their worked through, considered judgment.

have a favorable view of them. Vermonters endorse the concept of having citizens, who learn to work within clear guidelines, take on certain functions of the criminal justice system. We have some ideas about *how* to increase the visibility of the boards. First, we recommend that Vermont DOC continue what it is doing, which includes the following:

- Establish boards throughout the state;
- Carefully work with, and train, board members;
- Make sure that boards are open and that memberships is diverse, and broadly representative of the community;
- Have rep board coordinators, who are full-time DOC employees, regularly attend and observe all board meetings;
- Work to ensure that the boards have the resources and contacts they feel they need;
- Make sure that all rep board meetings are open to the public;
- Keep the news media and key leadership groups fully informed about the reform.

We have three additional ideas:

First, we recommend that the DOC, working with civic groups such as the Vermont Ethics Network (VEN) and the League of Women Voters along with local police and other criminal justice system officials, convene a series of public forums to discuss the issues of crime and corrections in the community. Such discussions should be designed to inform people about the reforms and also to enable people to discuss the difficult decisions the criminal justice system must make when it comes to dealing with an array of offenders.

Second, we recommend that DOC work with local newspapers to add a “reparative board” column that discusses case dispositions and posts the time and place when rep board meetings, which are open to the public, will take place.

Third, we recommend that DOC establish a rep board web site that describes the boards and provides information about how to get involved, and also provide an opportunity for people to provide feedback about the process.

Finally, we should note that in the summer of 1999, reparative board members from across the state convened a meeting to discuss the possibility of forming a statewide association and of working themselves, in each community, to publicize what they are doing. While supportive of the idea, Vermont’s DOC was adamant that it should not, in any way assume responsibility for the formation of such an association. (Such a posture, we thought, was far-sighted because the central premise underlying the reform is the need for public *ownership* of key functions of the criminal justice system.) If such an association is formed, it might significantly increase the visibility of the rep boards as well as enhance the public’s sense of ownership of the reform process.

2. How can we correct the disconnect between public opinion and criminal justice system reality?

Our findings suggest that there are three contending ideas or strategies that criminal justice system officials are using or considering to repair what is sometimes called the disconnect (i.e., the low levels of public confidence in, and the chronic alienation people feel toward so much of the criminal justice system). Those strategies are:

- a) Implement the philosophy or concept of restorative justice;
- b) Conduct a public education effort to correct some serious public misperceptions about the criminal justice system;
- c) Involve the public by giving citizens, who are trained and who work with criminal justice system officials, more responsibility through institutions like reparative boards.

This study cannot definitively answer the question of which of these strategies would be the best way to repair the disconnect. Each would seem to be important for different reasons. Below, we consider each.

- a) Restorative Justice: The people of Vermont clearly support a restorative approach that focuses, first and foremost, on the victim's needs and making the victim whole. In the focus groups, Vermonters said the needs of crime victims should be an absolutely top priority. More generally (for an array of nonviolent offenders and, perhaps, a small number of carefully selected violent offenders), the basic idea of restorative justice – restoring the community and the victim through a community-based sanction instead of short-term incarceration – is philosophically compatible to many Vermonters.

Restorative justice, in and of itself, however, would not seem sufficient to repair the disconnect. The breach is too wide. Moreover, we hypothesize, from the intensity of people's sentiments (as evidenced in the focus groups and survey results), that Vermonters – and, by extension, the public as a whole -- like the idea of reparative boards more because of citizen involvement than because of the general philosophy of restorative justice.

In this context, let us quickly note two ideas that are not persuasive to the public: saving money and a limited number of prison beds. This study, like others we have conducted over the years, shows that the public will not be persuaded to use nonincarcerative sanctions because they are less expensive. While cost may be a key consideration for leadership, it is not important to the public. Second, the public will not be persuaded to use community-based punishments because they are told that there is a shortage of prison space and the space that is available should be used for the most violent offenders. This argument too is simply not persuasive. In the public mind, if an offender deserves to be incarcerated, he should be incarcerated. And if there is not enough space, squeeze him in or build a new prison. But, the public will say, for heaven's sake don't let a violent offender who should be incarcerated out into the community because of a limited space.

- b) A Public Education Effort to Correct Misperceptions: Our findings show that public confidence in the criminal justice system is directly related to the accuracy of people's perceptions. And so, in Section XVI. Recommendations for Future Research, we recommend conducting an experiment, with focus groups or even an entire community, in which public confidence in the criminal justice system would be gauged before and after they become better informed about the crime rate and selected practices of the criminal justice system. It would be vital to see whether such attitudes can be changed and, if so, how and how easily.

It is not clear what will happen when people are engaged with or exposed to such an "educational intervention." In some of our work on other issues, (for example, public opinion about the public schools), we have seen that confidence does *not* necessarily increase when misperceptions are corrected, when people learn, for example, that test scores are higher than they thought⁴ or that teachers are better trained. (Rather, we have learned that as people feel more connected to their institutions, such as the public schools, they develop an increased sense of ownership that, in turn, increases public confidence.)

Vermonters have some misperceptions that are truly alarming. In the questionnaire and in the focus groups, large numbers gave answers suggesting that they believe the criminal justice system routinely makes decisions that endanger public safety. It is only a slight exaggeration to say that to many Vermonters, the criminal justice system itself is felt to be a *cause* of crime. And so making efforts to correct at least the most egregious misperceptions, (including that violent rapists are routinely, upon conviction, not incarcerated) would seem essential.

At the same time, it is not clear how quickly or easily such misperceptions can be dispelled. Or whether the public would believe what they are told. Given how these issues have been manipulated by political figures for decades, along with the pervasive influence of the mass media (including, for example, the popularity of vigilante movies like *Death Wish*, and all its cousins and incarnations), public opinion on some of these points might be entrenched.

Finally, criminal justice system professionals need to consider honestly to what extent the public's views are truly out of line with what the system does. Vermonters believe that many violent offenders are released early because of prison overcrowding. But in some jurisdictions does this happen, at least to some extent? Vermonters do not believe that crime has leveled off or decreased. But neither did most of the 15 judges, prosecutors, and public defenders we interviewed. Indeed, many of them said that based on their own professional experience, crime in the state continues to increase. And so we might ask whether the results indicate a lag in public opinion, just as public opinion about, for example, the inflation rate often lags behind events? Or perhaps, is the decline in crime simply not great enough for most people to notice?

All of which leads to the third approach to bridging the disconnect between public opinion and criminal justice system reality: reparative boards.

- c) Institutions like the Reparative Boards: Vermonters' support for rep boards is broad and deep. People support the idea even after considering an array of "con" arguments, including that rep boards' sentences may be overly lenient. But even more important is the finding that the basic idea of citizen participation in criminal justice system decision-making, including through the jury system and the diversion program, is very popular in Vermont, and perhaps elsewhere as well.

There is even more evidence. In some focus groups, we asked about a new idea under consideration by DOC: giving the public some of the decision-making responsibility regarding the state's prison-to-community furlough program. The furlough program has been severely criticized in the media and the study shows that it is unpopular with the public. Deciding which inmates to furlough and the conditions they must abide by may soon be decisions about which Vermonters have input, perhaps through newly created, community-based furlough boards comprised of trained citizen volunteers. In the focus groups, this concept was overwhelmingly popular.

Importantly, support for reparative boards, the diversion program, furlough boards and other ways to increase the public's role may well exist side-by-side with serious misperceptions. For example, we inadvertently recruited one focus group respondent who served on his community's diversion board. While happy to sing the praises of the work of the diversion board, this respondent, a letter carrier, was as badly misinformed as anyone we interviewed about, for example, regarding the regular practices of the criminal justice system. And so, positive views about certain aspects of the criminal justice system would seem to co-exist with negative ones, almost as if, by way of a parallel, the public had confidence in doctors, but not HMOs. (And that would seem to be exactly the current national mood.) Or that people had confidence in public school teachers but not school administrators. (And that is precisely what Doble Research found in a 1994 study of public opinion about the public schools in Cleveland for the Greater Cleveland Roundtable.)

There would seem to be a general principle underlying the disconnect and support for public-involving reform. People in Vermont, and in other states where we've conducted studies, feel that the criminal justice system is not in alignment with their views, it is not responsive to their wishes, it is, in short, no longer a public function, it is not *owned* by the public. (By way of comparison, the public does seem to feel that the police and juries made up of average citizens are in alignment with, responsive to the public.)

The central cause of the disconnect is, we believe, *a breakdown in the relationship* between the public and the criminal justice system. Large numbers of people believe the criminal justice system routinely makes decisions that the public solidly opposes. The public does not feel *connected* to the criminal justice system. Many Vermonters – and, by extension, many Americans – do not trust the criminal justice system to fulfill its primary function – to protect the public and ensure public safety.

And so, if in addition to being informational and philosophical, the central cause of public discontent is a breakdown in the relationship between the public and the criminal justice system, then the ideas underlying the use of reparative boards may be key. We speculate

that, compared to what we found in 1994, the improved rating people give to judges, jails and prisons, and probation and parole may be related to, or stem from, the existence and performance of rep boards.

But however well known they become, rep boards, by themselves, will probably not be enough to bridge the disconnect. Information and a publicly supported sentencing philosophy (such as restorative justice in which the needs of the victim are central) would also seem to be essential elements.

If asked which one among the three would do most to end the disconnect, we would say that the concept underlying rep boards would seem to be the most powerful. But that concept, by itself, along with, perhaps, even further declines in the crime rate, will probably not be enough to repair the disconnect.

3. If the public is unhappy with the criminal justice system but also seriously misinformed about it, then are reforms of systems operations an appropriate response?

The results suggest that *certain kinds of reforms* are an appropriate response, and partial remedy, to public discontent with the criminal justice system. Specifically, reforms that involve the public in a meaningful way and turn over some responsibilities to trained and supervised citizen volunteers working closely with criminal justice system professionals may significantly reduce public discontent.

Correcting misinformation would seem to be essential. But as discussed above, misinformation, in and of itself, is not, we believe, the core reason why the public is unhappy with the criminal justice system. Instead, and based on not only this study but all are other work, including studies in other parts of the country and studies on issues such as the public schools, we speculate that the root cause of the unhappiness is the *relationship* between the public and the criminal justice system. The relationship is what has come apart. Only by restoring the relationship between the public and this most important public function can the disconnect be repaired.

We might note in this regard an apparent contradiction: If the public is so enamored of the public's role, why do parole boards, whose members are often ordinary citizens, seem to be so unpopular?

This is a question that deserves further research. But part of the answer would seem to lie in a comparison of parole boards to another quasi-public body that is not often popular: the local school board.

Research by the Kettering Foundation and others suggests that the public sees school boards as simply another layer of bureaucracy, as what Richard Harwood, president of The Harwood Group, calls "professional citizens," people who have adopted the mindset of experts. Such professional citizens often think that they, themselves, are the authentic voice of the public. And they often think that "the public," that is, the real public, is poorly informed, apathetic, and indifferent to reform. And so, instead of engaging the public, "professional citizens"

often see the public exactly as many experts do – as an impediment to reform, an obstacle to be avoided or manipulated, but not genuinely engaged.

In Sum: Authentic public engagement would seem to be the concept that explains the popularity of juries, rep boards, diversion boards and (hypothetical) furlough boards while also explaining why parole boards, like so many school boards, do not enjoy public favor. Or, as David Mathews, president of the Kettering Foundation has said about the cause of the disconnect between the Americans people and so many of their institutions. “It’s the relationship!”

XVI. Recommendations for Future Research

To build on what we know about Vermonters' attitudes toward crime and corrections and to investigate some of the hypotheses that emerged from this study, we recommend future research be conducted around the following questions:

1. **Policymakers' views:** What are policymakers' views about reforms, such as reparative boards? (We interviewed only 15.) How do policymakers' views differ from or align with the public's views? How do state legislators feel about these issues? How does the thinking of policymakers in the DOC compare with the views of the public, judges, prosecutors, and public defenders? We especially recommend exploring how policymakers feel about the public's role in the criminal justice system as members of reparative boards and in other capacities.

We recommend conducting a comprehensive survey of policymakers' thinking about reparative boards, restorative justice, and the public's role in the criminal justice system. Research methods might include a questionnaire, in-depth interviews, and even focus groups. We recommend a sample that includes:

1. Members of the state legislature;
2. Judges, prosecutors, and public defenders;¹
3. Policymakers in the Department of Corrections, including those who are and are not currently working with the reparative boards;

2. **Public confidence in the criminal justice system:** The results suggest that if citizens were better informed, they would have more confidence in the criminal justice system. Would public confidence in the criminal justice system actually increase if people were informed about the actual crime rate and selected key criminal justice system practices (e.g., that violent rapists are almost always incarcerated for many years upon conviction in Vermont)?

We recommend conducting a research project using, to begin with, a series of focus groups in which people's confidence in the criminal justice system would be gauged before and after they were better informed about the crime rate and selected key practices of the criminal justice system. Upon completion of a pilot study, we recommend a community-wide test in which researchers, working with local media and public service organizations², would conduct pre- and post- surveys to see if public opinion changes after an extensive, community-wide educational intervention.

¹We interviewed only a total of 15 judges, prosecutors, and public defenders. To be confident that their views are broadly representative, a larger sample would be required.

²There are a variety of community-wide, educational strategies that could be employed to test the question. In Oklahoma, the League of Women Voters and other nonpartisan groups convened a series of study circles across the state in which crime and corrections were the topic of public deliberation. There are numerous newspapers with a public-journalism orientation that might be inclined to try to educate the public about this kind of key issue. There are a variety of community-wide, educational strategies that could be employed to test the question. In Oklahoma, the League of Women Voters and other nonpartisan groups convened a series of study circles across the state in which crime and corrections were the topic of public deliberation. There are numerous newspapers with a public-journalism orientation that might be inclined to try to educate the public about this kind of key issue.

3. **Changes in attitudes:** Do people's attitudes about restorative justice and the reparative boards change after they have been interviewed, either by telephone or in a focus group? If so, in what ways?

We recommend conducting pre-and post-surveys and focus group interviews with respondents to measure any change in their thinking.

4. **State-by-state comparisons:** Do the attitudes identified in Vermont apply to other states? What about locales where strong community involvement has been in place such as in San Francisco with its Community Boards?

We recommend studying public opinion about these issues in other states and locales, particularly in what are traditionally more "conservative" states, such as in the South, and in locales like San Francisco where there has been strong public involvement, with Community Boards, in the criminal justice system.

5. **Widespread community involvement:** Our research suggest that Vermonters are in favor of widespread public participation and decision-making in areas that traditionally have been the responsibility of DOC. Is this, in fact, the case?

We recommend a more systematic exploration of whether Vermonters, in fact, want greater public and community involvement in an array of areas that have traditionally been the responsibility of DOC, such as the furlough program.

6. **The effect on victims:** Our research only begins to explore how victims feel about the idea of restorative justice and reparative boards.

We recommend a study that would explore the advantages and disadvantages of reparative boards for victims and that would analyze victim attitudes before and after the reparative intercession, compared to a control group of victims whose offenders received a more traditional sentence.

7. **Restorative justice vs. public participation:** Our research suggests that public participation in the criminal justice system, via either the jury system or reparative boards, is a key to building public confidence in the criminal justice system. The research also suggests, but does not conclusively show, that the idea of restorative justice is less important to the public than is public participation.

We recommend a research design/study that explores the comparative importance in the public mind of the principles of restorative justice to the idea of public participation in criminal justice system decision-making.

XVII. Appendix 1: Literature Review References

- Applegate, Brandon K., Francis T. Cullen and Michael G. Turner. 1996. "Assessing Public Support for Three-Strikes-And-You're-Out Laws: Global versus Specific Attitudes." *Crime and Delinquency* 42(4): 517-534.
- Applegate, Brandon K., Francis T. Cullen and Bonnie S. Fisher. 1997. "Public Support for Correctional Treatment: The Continuing Appeal of the Rehabilitative Ideal." *Prison Journal* 77(3): 237-258.
- Cullen, Francis T., John Paul Wright, Shayna Brown, Melissa M. Moon et. al. 1998. "Public Support for Early Intervention Programs: Implications for a Progressive Policy Agenda." *Crime and Delinquency*. 44(2): 187-204.
- Cumberland, Jennifer, and Edward Zamble. 1992. "General and Specific Measures of Attitudes Toward Early Release of Criminal Offenders." *Canadian Journal of Behavioural Science* 24:442-455.
- Diamond, Shari S. and Loretta J. Stalans. 1989. "The Myth of Judicial Leniency in Sentencing," *Behavioral Sciences and the Law* 7:73-89.
- Doble, John and Josh Klein. 1989. *Punishing Criminals: The Public's View, An Alabama Survey*. New York City: The Edna McConnell Clark Foundation.
- Doble Research Associates. 1998. *Crime and Corrections: The Views of the People of New Hampshire*. Englewood Cliffs NJ.
- Doob, Anthony and Julian Roberts. 1988. "Public Punitiveness and Public Knowledge of the Facts: Some Canadian Surveys." In: Nigel Walker and Michael Hough (Eds.) *Public Attitudes to Sentencing*. Cambridge Studies in Criminology, LIX, Aldershot: Gower.
- Doob, Anthony, and Julian Roberts. 1983. *An Analysis of the Public's View of Sentencing*. Ottawa: Department of Justice Canada.
- Flanagan, Timothy J. 1996. "Community Corrections in the Public Mind." *Federal Probation*. 60(3) 3-9.
- Hough, Michael, and Julian Roberts. 1998. *Attitudes to Punishment: Findings from the British Crime Survey*. Home Office, Research and Statistics Directorate. London: Home Office.
- Indermaur, David. 1987. "Public Perception of Sentencing in Perth, Western Australia." *Australian and New Zealand Journal of Criminology* 20:163-183.
- Knowles, Jeff. 1987. *Ohio Citizen Attitudes Concerning Crime and Criminal Justice*. Columbus, OH: Governor's Office of Criminal Justice Services.

Maguire, Kathleen, and Ann L. Pastore. (eds.), 1997. *Sourcebook of Criminal Justice Statistics – 1996*. U.S. Department of Justice, Bureau of Justice Statistics. Washington, DC: USGPO.

Mande, Mary and Kim English. 1989. *The Effect of Public Opinion on Correctional Policy: A Comparison of Opinions and Practice*. Colorado: Colorado Department of Public Safety, Division of Criminal Justice.

Maxfield, Linda Drazga, Willie Martin, and Christine Kitchens. 1997. “Just Punishment: Public Perceptions and the Federal Sentencing Guidelines.” Washington, DC: US Sentencing Commission, Office of Policy Analysis.

Rossi, Peter H. and Richard A. Berk. 1995. “Public Opinion on Sentencing Federal Crime.” Washington DC: United States Sentencing Commission.

Stalans, Loretta J., and Shari S. Diamond. 1990. “Formation and Change in Lay Evaluations of Criminal Sentencing: Misperception and Discontent.” *Law and Human Behavior*. 14:199-214.

Sundt, Jody L., Francis T. Cullen, Brandon K. Applegate and Michael G. Turner. 1998. “The Tenacity of the Rehabilitative Ideal revisited: Have Attitudes Toward Offender Treatment Changed?” *Criminal Justice and Behavior* 25(4): 426-442.

Thompson, Douglas R. and Anthony J. Ragona. 1987. “Popular Moderation versus Governmental Authoritarianism: An Interactionist View of Public Sentiments toward Criminal Sanctions.” *Crime and Delinquency* 33(2): 337-357.

Turner, Michael G., Francis T. Cullen, Jody L. Sundt, et. al. 1997. “Public Tolerance for Community-Based Sanctions.” *Prison Journal* 77(1) 6-26.

Vandiver, Margaret and David Giacompassi. 1997. “One Million and Counting: Students’ Estimates of the Annual Number of Homicides in the US.” *Journal of Criminal Justice Education* 8(2): 135-143.

XVIII. Appendix 2: Glossary of Terms

How People Understand the Language of Criminal Justice

(As compiled from Doble Research studies in Vermont, New Hampshire, North Carolina, Oregon, South Carolina, Iowa, Oklahoma and Public Agenda studies in Alabama, Delaware, and Pennsylvania)

Terms	What People Understand	What They Don't Think Of
Burglary	<ul style="list-style-type: none"> • Robbery, burglary, theft, breaking and entering, larceny, grand larceny, embezzling, swindling, racketeering, extortion, or fraud. (These terms are nearly synonymous to most people.) 	---
Community corrections	<ul style="list-style-type: none"> • A confusing or meaningless term 	---
Community-based punishment	<ul style="list-style-type: none"> • A confusing or meaningless term 	---
Crime	<ul style="list-style-type: none"> • Murder, rape, armed robbery, other violent crimes 	<ul style="list-style-type: none"> • Shoplifting, burglary, bad checks, credit card fraud, joyriding
Day reporting center	<ul style="list-style-type: none"> • A confusing or meaningless term 	---
Drug dealers	<ul style="list-style-type: none"> • Drug "kingpins" • Dealers who target students • Gangs, gang wars, drive-by shootings 	<ul style="list-style-type: none"> • Addicts selling small amounts to support a habit • Marijuana growers selling to friends
Drugs	<ul style="list-style-type: none"> • Heroin or crack cocaine 	<ul style="list-style-type: none"> • Marijuana
Family offender	<ul style="list-style-type: none"> • A confusing or meaningless term 	---
Felony	<ul style="list-style-type: none"> • Murder, rape, armed robbery, and other violent crimes 	<ul style="list-style-type: none"> • Nonviolent property crimes involving as little as \$400 • Growing marijuana
Intensively supervised probation	<ul style="list-style-type: none"> • A confusing or meaningless term 	---
Intermediate Sanction	<ul style="list-style-type: none"> • A confusing or meaningless term 	---
Jail	<ul style="list-style-type: none"> • State or federal prison, county or city jail 	---

Glossary of Terms (continued)

Terms	What People Understand	What They Don't Think Of
Juvenile crime	<ul style="list-style-type: none"> • Gang violence, assault, mugging, students bringing guns to school, drug abuse 	<ul style="list-style-type: none"> • Shoplifting, etc.
Murder	<ul style="list-style-type: none"> • Premeditated, wanton, first-degree, during an armed robbery or assault • Serial killing; cold-blooded act by career criminal 	<ul style="list-style-type: none"> • Unpremeditated act by someone who's intoxicated or in a blind rage • A crime of passion by someone with no prior record
Murder victim	<ul style="list-style-type: none"> • A stranger to the murderer 	<ul style="list-style-type: none"> • A spouse, family member, or friend of the murderer
Parole	<ul style="list-style-type: none"> • Either probation or parole 	---
Prison	<ul style="list-style-type: none"> • State or federal prison, county or city jail 	---
Prison inmates	<ul style="list-style-type: none"> • Violent, hard core offenders 	<ul style="list-style-type: none"> • Offenders with a string of nonviolent, property convictions • Addicts who sold small amounts of drugs to pay for their habit • Borderline retarded, learning disabled, or emotionally disturbed • Men over 65 needing health care
Probation	<ul style="list-style-type: none"> • Either probation or parole 	---
Robbery	<ul style="list-style-type: none"> • Robbery, burglary, theft, breaking and entering, larceny, grand larceny, a hold-up, embezzling, swindling, racketeering, extortion, or fraud 	---
Sex offenders	<ul style="list-style-type: none"> • Predatory rapists • Child molesters 	<ul style="list-style-type: none"> • Flashers, family offenders (including children who molest siblings), statutory rapists
Violent crime	<ul style="list-style-type: none"> • Murder, rape, armed robbery • Shooting, stabbing, brutal attacks 	<ul style="list-style-type: none"> • A bar fight
Work center	<ul style="list-style-type: none"> • A confusing term 	---

“What People Mean When They Say They Want . . .”

Sentencing Requirement	What People Want	What They Do Not Want
. . . ABOUT COMMUNITY-BASED PUNISHMENTS		
Boot camp	<ul style="list-style-type: none"> • Structure and discipline; offenders get up early and work hard all day • Productive, meaningful work (grow vegetables, reupholster furniture, etc.) to offset cost of incarceration and teach job skills • Offenders internalize work ethic, become more likely to get/keep a job upon release • <i>An Officer and a Gentleman</i>, Louis Gossett Jr., a father figure/role model who dispenses "tough love" • Offenders acquire GED, job skills 	<ul style="list-style-type: none"> • Meaningless work; digging holes, then filling them in • <i>Full Metal Jacket</i>, sadistic drill sergeants who degrade offenders
Community service	<ul style="list-style-type: none"> • Meaningful, productive work that pays back the community (e.g., picking up litter, clearing brush, emptying hospital bed pans) • Enough hours so that the sentence is both meaningful and a deterrent • Supervision, strict enforcement • Visibility that will deter (e.g., offenders wearing orange DOC shirts while picking up litter along a highway) 	<ul style="list-style-type: none"> • Undemanding, easy assignments (e.g., Pete Rose teaching gym class, Leona Helmsley using her staff to send out a charity mailing) • Short sentences (e.g., 20 hours of community service) • Minimal supervision. Offender reports when convenient • Degradation, activity that humiliates or disgraces

What People Mean When They Say They Want . . . (continued)

Sentencing Requirement	What People Want	What They Do Not Want
House arrest	<ul style="list-style-type: none"> • Part of a sentence combined with a work requirement • Close supervision, including unscheduled drug and alcohol testing 	<ul style="list-style-type: none"> • Offenders sitting around all day, watching television • Using or even selling drugs from their living room
Strict Probation, ISP	<ul style="list-style-type: none"> • Part of a sentence combined with a work requirement • Close supervision, including unscheduled drug and alcohol testing 	<ul style="list-style-type: none"> • Offenders who are <i>solely</i> monitored more closely
Restitution	<ul style="list-style-type: none"> • Offenders must pay back their victims to the best of their ability 	<ul style="list-style-type: none"> • Indigents who can't make restitution going to prison, debtors' prison
... ABOUT CONDITIONS IN PRISON		
"We should make prison life tougher, more harsh"	<ul style="list-style-type: none"> • Inmates should have to work • Inmates should get only what people who don't break the law get • TV okay at night or weekends; no HBO; no VCR movies in cell during the day • College courses if inmates pay costs 	<ul style="list-style-type: none"> • Inmates breaking rocks • Bread and water • A ban on television or outdoor exercise
"Inmates should be punished"	<ul style="list-style-type: none"> • Make inmates work, deny privileges • Equivalent of "grounding," confining a child to bedroom 	<ul style="list-style-type: none"> • Corporal punishment, caning • Confining a child in a closet
"Inmates should have to work"	<ul style="list-style-type: none"> • Structure and discipline; inmates get up early and work hard all day • Meaningful, productive work; produce something valuable that offsets cost of incarceration • Inmates acquire GED, training, job skills 	<ul style="list-style-type: none"> • Prison like in old James Cagney movies • Chain gangs, <i>Cool Hand Luke</i>

XIX. Appendix III: Methodology

1. Background Research

- A. Two reparative board meetings:** Researchers from Doble Research Associates observed two, open-to-the-public reparative board meetings in St. Johnsbury on August 6, 1998 and another in Brattleboro on August 18, 1998.

In St. Johnsbury the board took up a case of vandalism and two cases of petty theft, including a woman who, perhaps mentally ill, lived in a tent on the edge of town and was accused of shoplifting and was said to be a chronic drinker and troublemaker. Researchers interviewed board members after the meeting.

In Brattleboro the board took up the case of a man who made threatening phone calls to his father while intoxicated and a man found guilty of speeding while having an open beer in the car. The board also interviewed a young man who had completed his community service and the other sentencing components it had designated, and congratulated him for successfully complying with the terms of his sentence. The board chair told the young man that when he reached the age of 21, he would be welcome to apply for membership on the reparative board. Researchers again interviewed board members after the meeting.

- B. One reparative board administrative meeting:** On August 19, 1998, John Doble observed a reparative board administrative meeting at which numerous issues such as new board members, administrative procedures, and the creation of boards in neighboring towns were discussed.
- C. In-depth interviews with reparative board coordinators:** Doble Research analysts conducted four in-depth, 60-minute background interviews with reparative board coordinators: Sean Bell, Buffy Peterson and Herb Sinkinson, and Karen Wheatley.
- D. DOC background materials:** Doble Research analysts reviewed background materials provided to us by the Vermont Department of Corrections about restorative justice, reparative probation, sanctions, and the reparative boards. And we comprehensively reviewed material compiled by Judith Greene (see below).

2. Public Opinion Research

- A. Twenty-five in-depth telephone interviews.** Doble analysts conducted 25 one-on-one, in-depth interviews by telephone or in-person, lasting up to 60 minutes with:
- Ten nonviolent crime victims whose cases were reviewed by a reparative board
 - Ten citizens who have served or are serving as unpaid members of their community's reparative board
 - Five offenders whose cases went before a reparative board.

To encourage candor, we assured respondents that they would not be directly quoted or identified with any particular comment. Nor would their as victim, offender, or board member be listed.

The 25 Reparative Board Members, Victims and Offenders:

- | | |
|---------------------|-----------------------|
| 1. Don Bara | 13. Stephen King |
| 2. Matt Brady | 14. Liz Lawrence |
| 3. Bruce Beaudin | 15. Glen Marceau |
| 4. John Callahan | 16. David Mellor |
| 5. Leslie Carbine | 17. Joanne Messineo |
| 6. Richard Dryfoos | 18. Ann Morrall |
| 7. Paul Duquette | 19. Dale Piper |
| 8. Douglas Emerson | 20. Alma Roystan |
| 9. Kevin Endres | 21. Claire Santway |
| 10. Brian Frost | 22. Joanne Schulle |
| 11. Barbara Higgins | 23. Bill Van Zyverden |
| 12. Richard Jenny | 24. Lorna Wheeler |
| | 25. Tom Zinitti |

- B. Four focus groups.** We conducted four, two-hour-long focus groups in communities that correspond to the principal regions of the state: Burlington (Northwest Vermont), Rutland (Central Vermont), St. Johnsbury (Northeast Vermont), and Brattleboro (Southern Vermont). In each case, focus groups participants were a demographically representative cross section of between eight to twelve citizens chosen to reflect the general population in terms of gender, education level, and age. Respondents did not know what the topic of the discussion would be in advance. To prevent the discussion from being skewed, anyone in the field of corrections or law enforcement was screened out. Also, respondents could not have participated in a focus group in the previous 12 months. To encourage their participation, respondents received an incentive payment of \$40.00 to attend. Recruiting was conducted, according to specifications provided by Doble Research, by Macro International of Burlington, VT.

C. Telephone survey. We conducted a telephone survey of 601 residents of Vermont selected at random using random digit dialing and up to three call backs. A male/female quota was employed. The interviewing was conducted in the evening, from 5:30 to 9:30 p.m. from March 15 to March 21, 1999. The telephone interviews lasted an average of around 25 minutes. The sample was drawn by, and the interviews conducted by, Gazelle International of New York City under the overall supervision of Doble Research.

The questionnaire was developed after careful consideration of our findings from the background interviews and the focus groups and the results of Judith Greene's research (see below). The questionnaire was pre-tested for length and understandability two times, each time with ten Vermonters selected at random. Doble Research analysts monitored some of these calls and debriefed with the interviewers afterward to make sure that questions were clear and understandable.

When trend data are available, we compare, in the report, Vermonters' attitudes toward the criminal justice system in 1998 with their views in Doble Research Associates' 1994 benchmark study of public opinion conducted for the Vermont DOC.

3. Leadership Opinion Research

A. **A four-day site visit:** Judith Greene made a four-day site visit to Vermont in October 1998 to observe the operations of the Reparative Probation Program and to meet with state and local officials and citizen-volunteers involved in its administration. She attended reparative board meetings in three diverse jurisdictions and discussed the proceedings with probation officials and reparative board members. Ms. Greene also met with the program managers at the Department of Corrections responsible for statewide operations of the reparative boards.

Rep Board Location	Date
Morrisville	10/27/98
Barre	10/28/98
Burlington	10/28/98

While in Burlington, Ms. Greene interviewed the State's Attorney, the Public Defender, the Assistant City Attorney, and a Superior Court Judge who has been a strong supporter of the program since its inception. She also met with staff of the new Burlington Justice Center (a community justice center that will incorporate the city's reparative board as a key element of its operations) and attended a Justice Center steering committee meeting.

Department of Corrections Officials	Date
1. Edward Caschman, Superior Court Judge Chittenden County	10/29/98
2. Lauren Bowerman, States Attorney Chittenden County	10/29/98
3. Rob Backus, Public Defender Chittenden County	10/29/98
4. Ken Schatz, Assistant City Attorney City of Burlington	10/29/98
5. Mike Riley, Coordinator Burlington Justice Center	10/29/98
6. Dave Martin, Social Services Supervisor Social and Rehabilitative Services	10/29/98
7. Barbara Martin, Juvenile Justice Coordinator Social and Rehabilitative Services	10/29/98

In addition to her site visit activities, Ms. Greene collected data reports, planning documents, operations manuals, journal and news articles that describe the reparative boards and the correctional and community contexts in which they operate. She reviewed those materials with analysts from Doble Research as part of the background preparation.

B. 15 in-depth interviews with judges, state's attorneys, and public defenders: Upon completion of the public opinion survey and building on Ms. Greene's research, analysts from Doble Research conducted an additional series of 15 in-depth interviews with Vermont prosecutors, judges and defense attorneys. These interviews explored leaders' overall assessment of the rep boards, their familiarity with the boards and whether they had attended any meetings or met any board members, and their views about the public's role in the criminal justice system. These interviews were conducted by telephone and lasted from 30 to 60 minutes. To encourage candor, we assured the respondents they would not be directly quoted or identified with any particular comment.

Judges

Linda Levitt
Brian Burgess
Dean Pineles
Howard van Benthuisen
Alan Cheever

State's Attorneys

Bill Wright
Lauren Bauerman
Dan Davis
Dale Gray
John Quinn

Public Defenders

Mark Eagle
Maggie Vincent
Paul Birch
Kate Moore
John Lurvey

4. Sample Demographics

Total:
(Probability Sample of 601 Vermonters, Age 18 and Older)

Gender		Education	
Male	50%	High school grad or less	43%
Female	50%	Some college/trade school	21%
		College grad or more	36%
Employment		Region	
Full time	58%	Northeast (Caledonia, Essex, and Orleans)	12%
Part time	10%	Greater Burlington (Chittenden, Franklin, Grand Isle, Lamoille, and Washington)	42%
Retired	14%	East Central (Orange and Windsor)	17%
Disabled	4%	West Central (Addison and Rutland)	15%
Student	4%	South (Bennington and Windham)	13%
Homemaker	5%		
Other/refused	4%		
Age		Crime Victim in Family (past three years)	
18 - 29	18%	Yes	13%
30-50	51%	No	86%
51-64	19%		
65 or over	12%		
Ethnicity		Was It a Violent Crime?	
White	95%	Yes	4%
Asian	1%	No	9%
Black/African	--		
Hispanic	fewer than 1%		
Other	2%		
Refused	3%		

5. Recommended Allowance for Sampling Error

	(At 95 in 100 confidence level)*					
	-----Sample Size-----					
	1000 %	800 %	600 %	400 %	200 %	100 %
Percentages near 10	2	2	2	3	4	6
Percentages near 20	3	3	3	4	5	8
Percentages near 30	3	3	4	5	6	9
Percentages near 40	3	3	4	5	6	10
Percentages near 50	3	4	4	5	6	10
Percentages near 60	3	3	4	5	6	10
Percentages near 70	3	3	4	5	6	9
Percentages near 80	3	3	3	4	5	8
Percentages near 90	2	2	2	3	4	6

*The chances are 95 in 100 that the sampling error is not larger than the figures shown.

XX. Project Staff

Doble Research is a nonpartisan, public interest consulting firm located in the New York area. Its clients include the Kettering Foundation, the Edna McConnell Clark Foundation, dozens of other foundations and public service organizations, and numerous government agencies. Staff members who conducted research for the project or co-authored the report include:

John Doble is a political scientist with more than 20 years experience analyzing public opinion about public complex issues. Prior to founding Doble Research, Mr. Doble was research director at Public Agenda. His articles about public opinion have appeared in *Foreign Affairs* (co-authored by Daniel Yankelovich), *Public Understanding of Science*, *The Journal of California Law Enforcement*, *Technology Review*, *The Scientist*, *Judicature*, *Public Opinion*, *The Kettering Review*, and *Public Opinion Quarterly*, among other publications. He graduated *cum laude*, then received a masters degree in political science at the University of Delaware, and he is an advisor to the National Committee on Community Corrections.

Damon P. Higgins, Vice President, has written or co-authored reports about education, health care, race relations, and retirement for the Southern Regional Council, the Vermont Commission on the Public's Health Care Values and Priorities, and the Edna McConnell Clark Foundation, among other organizations. A former Assistant Program Officer at the Kettering Foundation, Mr. Higgins is a *cum laude* graduate of Oberlin College and has an MA in public policy studies from the University of Chicago where he was awarded both a Patricia Roberts Harris and an Alfred P. Sloan Fellowship.

Iara Peng, Senior Research Associate, has co-authored studies on public opinion about the internet, America's youth, and has studied the effects of deliberation on high school students. Prior to joining Doble Research, Ms. Peng was a Researcher/Editor at the Kettering Foundation. Fluent in Portuguese and conversant in Spanish and French, Ms. Peng graduated *Magna Cum Laude* from Rollins College where she majored in political science and minored in communications. Her honors thesis, "Educating Tomorrow's Citizens," selected by Rollins to represent the school in Phi Sigma Alpha's annual "Best Undergraduate Paper" competition, won first runner-up in the nation.

Dizery Salim, Senior Research Associate, has conducted research and co-authored reports for the National Collegiate Honors Council, the National Issues Forums Institute, and the Cedar Rapids Department of Corrections, among many other organizations. Prior to joining Doble Research, she worked at Hearst New Media and Technology. A *cum laude* graduate of Barnard College where she majored in political science, Ms. Salim is fluent in French and Malay as well as English, and was educated in Tripoli, London and Los Angeles prior to coming to New York.

Judith Greene (co-project director) is a 1999 recipient of a Soros Justice Senior Fellowship, and is currently a research consultant for both the RAND Corporation and Human Rights Watch. Ms. Greene has served as Senior Fellow at the Institute on Criminal Justice of the University of Minnesota Law School, and as Director, at the Vera Institute of Justice, of the Edna McConnell Clark Foundation's State-Centered Program. From 1985 to 1993 she was Director of Court Programs at the Vera Institute. Ms. Greene's articles have appeared in numerous publications including *Crime and Delinquency*, *Overcrowded Times*, *Wake Forest Law Review*, *The Rutgers Law Journal*, *The Justice Systems Journal*, and *Judicature*. She has presented papers and addresses to scores of organizations and conferences, including the Open Society Institute's Center on Crime, Communities and Culture; the Freidrich Ebert Stiftung's International Conference on Police Policy; the Academy of Criminal Justice Sciences; the Minnesota Sentencing Commission; the Maryland Commission on Criminal Sentencing Policy; and the Youth Law Center. She has presented legislative testimony on sentencing and corrections policy in California, Michigan and New Mexico.